

2021

Case Processing Performance Analysis



Montgomery County Circuit Court
January 2021

The FY2021 Case Time Processing Report for the Montgomery County Circuit Court (‘the Court’) was reviewed by its leadership team and additional discussion will occur (as appropriate) to identify strategies that aim to support case processing efficiency. Pursuant to the [First Amended Administrative Order on Case Time Standards and Related Reports for Fiscal Years 2020 and 2021 in Light of the COVID-19 Emergency](#) published on February 2, 2021, the reports ordinarily required by the Chief Judge of the Court of Appeals to be submitted to the Administrative Office of the Courts are **not** required for fiscal year 2020 (July 1, 2019, through June 30, 2020) or fiscal year 2021 (July 1, 2020, through June 30, 2021). The Circuit Court for Montgomery County decided to prepare an assessment report to not only demonstrate its commitment to data and performance management but also to support any statewide reporting performed on the Court’s case processing.

Montgomery County Circuit Court Fiscal Year 2021 Case Time Processing Report Abstract

The annual case processing report of Montgomery County Circuit Court examines its case processing performance for Fiscal Year 2021 (FY21) against the Maryland Judiciary's case processing time standards and identifies factors that may have impacted any changes in performance. In September 2018, the Court began analyzing its case processing performance by quarter to provide court leadership and management with more current and timely information. More frequent and timely reviews and discussions of case processing performance provide the Court with opportunities to build and improve its data analytic capacity and to understand the value of data as a core component of court administration. More regular reviews of the data allow the Court to intervene and address any potential issues before they have a greater impact on case processing performance. The quarterly case processing performance reviews also aim to inform and engage personnel at all levels of the Court about cases processing and court operations, more broadly.

Pursuant to [First Amended Administrative Order on Case Time Standards and Related Reports for Fiscal Years 2020 and 2021 in Light of the COVID-19 Emergency](#) published on February 2, 2021, the reports ordinarily required by the Chief Judge of the Court of Appeals to be submitted to the Administrative Office of the Courts are **not** required for FY20 or FY21. The Circuit Court for Montgomery County decided to prepare an assessment report to not only demonstrate its commitment to data and performance management but also to support any statewide reporting performed on the Court's case processing.

Montgomery County Circuit Court's FY21 case processing analysis is performed on 10,217 originally terminated cases during the fiscal year as defined by the Maryland Judiciary's circuit court time standards:

- Civil foreclosure: 350 original case terminations,
- Civil-other: 3,536 original case terminations,
- Criminal: 1,061 original case terminations,
- Family limited-divorce: 188 original case terminations,
- Other-family: 4,627 original case terminations,
- Juvenile delinquency: 291 original case terminations,
- Child in Need of Assistance (CINA) shelter: 105 original case terminations,
- CINA non shelter: 20 original case terminations, and
- Termination of Parental Rights (TPR): 39 original case terminations.¹

Due to limited court operations caused by the COVID-19 pandemic since mid-March 2020, the number of case terminations examined for analysis declined by 20% (2,510 terminations) in FY21 from 12,727 in FY20.

¹ The following groups of cases are excluded from the statewide case assessment analysis: adoption, asbestos, domestic violence, friendly suit, general liens, homeowners' association, Lis Pendens, peace order, recorded judgment, reopened cases, restricted (sealed and expunged) cases, cases transfers from other jurisdictions for probation, cases filed prior to January 1, 2001, and voluntary placement.

One of the key measures of the case processing analysis is the percentage of cases terminated within the Maryland Judiciary’s-defined time standards. The court’s processing performance by case type (the time standard and percentage goal) for FY20 and FY21 are as follows:

Table 1. Montgomery County Circuit Court Case Processing Performance (% of Cases Terminated within the Time Standards), FY20 and FY21

| Case Type | Time Standard | Performance Goal | FY20 | FY21 | Number of Terminations | FY20-FY21 Percentage Point Difference |
|-------------------------|---------------|------------------|------|------|------------------------|---------------------------------------|
| Civil, foreclosure | 730 days | 98% | 94% | 89% | 350 | -5% |
| Civil, general | 548 days | 98% | 98% | 95% | 3,536 | -3% |
| Criminal | 180 days | 98% | 92% | 67% | 1,061 | -25% |
| Family, limited divorce | 730 days | 98% | 98% | 94% | 188 | -5% |
| Family, other | 365 days | 98% | 95% | 82% | 4,627 | -13% |
| Juvenile delinquency | 90 days | 98% | 93% | 74% | 291 | -19% |
| CINA shelter | 30 days | 100% | 94% | 84% | 105 | -20% |
| CINA non-shelter | 60 days | 100% | 100% | 75% | 20 | -25% |
| TPR | 180 days | 100% | 100% | 67% | 39 | -33% |

The COVID-19 pandemic, which required emergency operations to be implemented in FY21 impacted the Court’s case processing capacity. The impact is evident in its FY21 case processing performance as calculated by the percent of cases closed within the Maryland Judiciary’s defined time standards. As show in Table 1, between FY20 and FY21, the Court’s case processing performance declined in all case types with the decline ranging from 3 to 33 percentage points.²

The Court continues to actively manage its caseload by monitoring its case processing performance paying particular attention to the pending caseload. Despite the pandemic and implementation of the Maryland Electronic Courts (MDEC), the Court is committed to using data to ensure that quality justice is administered to county residents in the most efficient and effective manner.

² To account for the emergency operations of the Court and the impact of the unusual circumstances on case processing performance, the Court also calculated an alternative, adjusted performance metric for civil-foreclosure, criminal, juvenile delinquency, and child welfare cases. Those measures are provided in the first table that presents the overall case processing performance in their respective sections. See the next section for additional information on this measure.

Fiscal Year 2021 Case Processing Time Report

Data Quality Review Procedures

Data quality review is one of the core functions of the Montgomery County Circuit Court (“the Court”). The review is performed throughout the year with additional data quality checks conducted for the annual case assessment analysis.

Data Quality Procedures Performed on the FY2021 Case Assessment Data

Court Administration and the Clerk of the Court personnel conducted case audits of originally-closed cases and checked the accuracy of key case information, including the caseflow assessment-related data elements.³ Designated court personnel prepared the data for the assessment and performed additional data quality reviews during the data preparation period to further improve the accuracy of case assessment data. In FY21, due to the additional tasks required to respond to emergency situations caused by the pandemic as well as preparations underway for the implementation of Maryland Electronic Courts (MDEC), the Court streamlined and simplified its data quality checks of case assessment data.

The court’s Data Processing (DP) staff compiles assessment data into case type-specific data tables. These tables contain all mandatory and optional data elements defined by the Maryland Judiciary’s case time standards. The data is reviewed by personnel in Quality Control (QC), Differentiated Case Management (DCM), Family Division Services (FDS), Research & Performance and the Clerk’s departments to ensure accuracy and to identify possible reasons for cases closing over-standard.

Court researchers perform additional data quality checks on the case assessment data during quarterly performance reviews as well as at the end of the fiscal year. Their primary focus is to verify the case processing time calculated by DP and to review cases with processing time beyond the time standards. The researchers coordinate with various court offices (as necessary) to further investigate questionable case information. All reviews are conducted initially by checking the case assessment information against the data in the Court’s case management system and then with the actual case files or by listening to digital recordings of court events when necessary.

Like the FY20 analysis, the current analysis calculates case processing performance in two ways for civil-foreclosure, criminal and juvenile cases given various Court of Appeals Administrative Orders related to the pandemic. The following local rules were applied to these case types when calculating the adjusted performance metric:

- Civil-Foreclosure cases: Case processing time was adjusted by subtracting the number of days from the beginning of the statewide moratorium on foreclosure cases (3/18/20) to the date when the request for the exemption from the moratorium was granted or the case was otherwise dismissed. Essentially, the moratorium period is considered suspended time.
- Criminal cases: An adjusted Hicks date was used to determine case termination status; that is, whether a case closed within- or over- the time standard.. The adjusted Hicks date was applied to all criminal cases except for District Court appeal cases (bindover and VOP

³ Of the cases used for the FY20 caseflow assessment, 100% of 1,304 criminal and 374 juvenile delinquency cases, 98% of 4,508 civil cases (including foreclosure cases), 97% of 6,373 family cases (including limited-divorce cases), and 96% of 161 child-welfare cases (CINA and TPR cases) were audited at case disposition.

appeals). If the case stop date was before or on the adjusted Hicks date, then the case was considered within-standard; however, if it was later than the adjusted Hicks date it was considered over-standard.

- Juvenile cases (includes delinquency, CINA and TPR cases): Case processing time was adjusted for any case with an adjudication (or trial) pending between 3/16/20 and 7/19/20 adding 186 days to the case start date. For cases filed between 3/16/20 and 7/19/20, 126 days were added to the case start date. If the calculated case age was shorter than that adjusted time, then the case was considered within-standard; otherwise, it was considered over-standard.
- CINA case time was also adjusted by subtracting number of days associated with a good cause extension (a new case time suspension not to exceed 30 days). This is a recognized suspension by the Maryland Judiciary.

Montgomery County Circuit Court continues to review and revise its policies and practices related to the review and reconciliation of questionable case information. As transition to MDEC continues as well as our review and revision of local business processes, the Court looks forward to establishing standard data quality validation protocols with the Maryland Judiciary and courts statewide. Maintaining the integrity of the Court record is critical to the Court and is necessary to ensure confidence in the data used to inform and report on case and court management.

Fiscal Year 2021 Case Processing Time Report

Overview

This overview provides the case processing performance of Montgomery County Circuit Court (‘the Court’), its caseload and select workload figures for Fiscal Year 2021 (FY21).

Case Processing Performance

Montgomery County Circuit Court examined its FY21 case processing performance based on 10,217 original terminations as defined by the Maryland Judiciary’s circuit court case time standards. The court processed 2,510 (20%) fewer terminations in FY21 than FY20 (12,727 original terminations).

- The case processing performance in all case types declined between FY20 and FY21. The most notable percentage point decline occurred in TPR cases, which declined from 100% from 67%.
- In criminal, family-other, juvenile delinquency and CINA cases, the performance declined by at least 10 percentage points.
- The decline in case processing performance in civil-foreclosure, civil-general, and family-limited divorce cases was relatively small, ranging from three to five percentage points between FY20 and FY21.

Caseload – Filings and Terminations (Original, Reopened, and Total)

Table 2 provides the numbers of filings, terminations, and clearance rates by case category for original cases, reopened cases, and total (original and reopened) cases for FY20 and FY21. In FY21, Montgomery County Circuit Court processed 27,641 filings including 16,678 original filings and 10,963 reopened filings. The court also processed 28,083 terminations including 16,864 original and 11,219 reopened terminations. In FY21, the Court received 2,022 fewer filings (a 7% decline from FY20 (29,663 filings) and 629 fewer terminations (a 2% decline from FY20 (28,712 terminations). Criminal cases accounted for 48% of the reduced filings. Declines in total terminations were experienced by civil, criminal, and juvenile caseloads and criminal represented 61% of that decline.

The court’s overall original filings declined by 6% from 17,781 to 16,678 between FY20 and FY21. Juvenile cases had the greatest decline (47%) from 757 to 403, followed by criminal cases, which declined by 21% from 1,493 to 1,186. Civil original filings declined by 7% from 8,585 to 7,971. Family original filings increased by 2.5% from 6,947 to 7,118. Among the case categories where original filings declined, civil represents 48% of the change between FY20 and FY21.

Overall, original terminations declined by 1.5% (250 cases) from 17,114 to 16,864 between FY20 and FY21. Again, the greatest declines were experienced among criminal and juvenile original terminations at 18% and 10%, respectively. Civil original terminations declined by 3% from 8,272 in FY20 to 7,985 in FY21. In contrast, family original terminations increased by 5% from 6,801 to 7,128 between FY20 and FY21, following a pattern similar to original filings. Among the case categories where original terminations declined, civil and criminal represent 45% and 43%, respectively of the change between FY20 and FY21.

Table 2. Montgomery County Circuit Court Filings and Terminations and Clearance Rate by Case Type, FY20 and FY21

| | Civil* | | Criminal | | Family | | Juvenile** | | Total | |
|-----------------------|--------|--------|----------|-------|--------|--------|------------|-------|--------|--------|
| | FY20 | FY21 | FY20 | FY21 | FY20 | FY21 | FY20 | FY21 | FY20 | FY21 |
| Original | | | | | | | | | | |
| Filings | 8,584 | 7,971 | 1,493 | 1,186 | 6,947 | 7,118 | 757 | 403 | 17,781 | 16,678 |
| Terminations | 8,242 | 7,985 | 1,365 | 1,114 | 6,801 | 7,128 | 706 | 637 | 17,114 | 16,864 |
| Clearance Rate | 96% | 100% | 91% | 94% | 98% | 100% | 93% | 158% | 96% | 101% |
| Reopened | | | | | | | | | | |
| Filings | 1,837 | 2,036 | 4,035 | 3,380 | 4,467 | 4,236 | 1,543 | 1,311 | 11,882 | 10,963 |
| Terminations | 1,810 | 1,900 | 3,861 | 3,464 | 4,474 | 4,582 | 1,453 | 1,273 | 11,598 | 11,219 |
| Clearance Rate | 99% | 93% | 96% | 102% | 100% | 108% | 94% | 97% | 98% | 102% |
| Total | | | | | | | | | | |
| Filings | 10,421 | 10,007 | 5,528 | 4,566 | 11,414 | 11,354 | 2,300 | 1,714 | 29,663 | 27,641 |
| Terminations | 10,052 | 9,885 | 5,226 | 4,578 | 11,275 | 11,710 | 2,159 | 1,910 | 28,712 | 28,083 |
| Clearance Rate | 96% | 99% | 95% | 100% | 99% | 103% | 94% | 111% | 97% | 102% |

* Civil case filings and terminations include those of Register of Wills.

**Juvenile case filings and terminations include delinquency, child in-need of assistance and termination of parental rights petitions.

Source: Montgomery County Circuit Court, Data Processing Department.

Source: READHIS2 and Key Figures Weekly Update, Data Processing, FY21.

Overall, the Court’s reopened filings declined by 8% (919 cases) from 11,882 in FY20 to 10,963 in FY21. Criminal, family, and juvenile reopened case filings declined whereas civil reopened filings increased. Criminal reopened filings drove the greatest proportion of the overall decline. Specifically, criminal reopened filings declined by 16% (655 cases), representing 59% of the reopened filing decline. Juvenile and family reopened filings also decreased between FY20 and FY21 by 15% (232 cases) and 5% (231 cases), respectively. Civil reopened filings increased by 11% during the same period (199 cases).

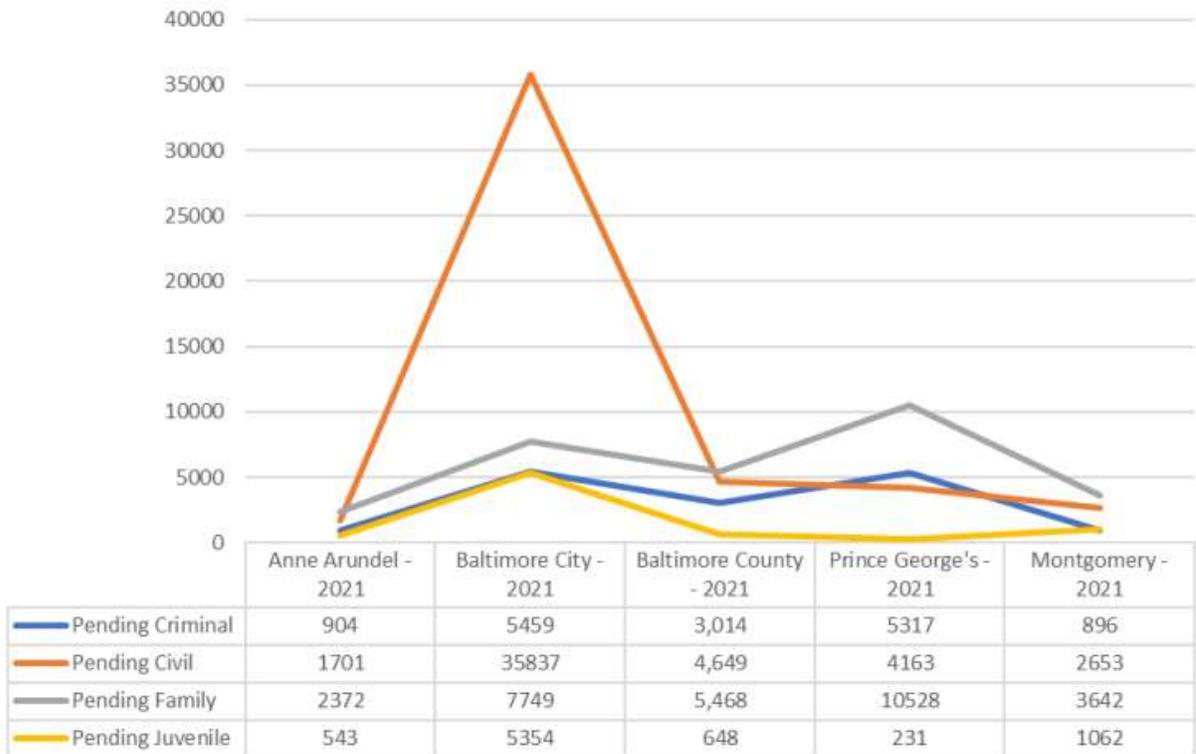
The Court’s reopened terminations declined by 3% (379 cases) between FY20 and FY21. Criminal and juvenile reopened terminations declined whereas family and civil reopened terminations increased. Criminal reopened terminations declined by 10% (397 cases) and represents 69% of the reopened termination decline. Juvenile reopened terminations declined by 12% (180 cases). Reopened civil and family terminations increased by 5% (90 cases) and 2% (108 cases), respectively.

The total-overall, original and reopened clearance rates increased between FY20 and FY21 to over 100%, indicating that the Court processed more cases than it received, thus reducing the size of its pending caseload. Several of the case category-specific clearance rates for the original and reopened caseloads also exceeded 100%. The only clearance rate that did not increase between FY20 and FY21 was for civil reopened cases, which declined from 99% to 93%.

Caseload Comparison

The Maryland Judiciary’s Research & Analysis Office provided information on pending caseload counts across the five, large circuit courts, which includes Montgomery County Circuit Court. The court has the lowest criminal pending caseload compared to the other four jurisdictions. The court’s civil and family pending caseloads are only higher than Anne Arundel Circuit Court. The court’s juvenile pending juvenile caseload is fourth highest about 4,000 cases below the highest pending caseload position.

Large Jurisdiction Circuit Courts - 2021 Pending Case Counts



Workload –Trials and Hearings (Set and Held)

During FY21, Montgomery County Circuit Court set 6,071 trials and 49,757 hearings and held 1,151 trials and 29,382 hearings. There were 7,840 trials and 60,199 hearings set in FY20 as well as 1,226 trials and 34,630 hearings held.⁴ Compared to the previous fiscal year, the numbers of trials and hearings set in FY21 decreased by 23% (1,769 trials) and 7% (10,442 hearings), respectively. The numbers of held trials and hearings also declined by 9% (115 trials) and 15% (5,248 hearings). The observed declines were likely due to declines in case filings as well as the Court’s emergency operations in response to the pandemic, which resulted in cancelling and rescheduling of a large number of trials and hearings between mid-March and June 2020.

⁴ Figures as shown in the FY20 case assessment report.

Foreclosure and All Other Civil General Case Processing Performance

This section provides the fiscal year 2021 (FY21) case processing performance results for foreclosure and all other civil general cases of Montgomery County Circuit Court (‘the Court’). The analysis includes analyses of performance by DCM track and by hearing and trial postponements. The table below provides the Court’s historical case processing performance and additional performance measures.

A. Foreclosure and All Other Civil General Case Processing Definitions and Summary

| | Case Time Definitions | Percentage Within Standard | Average Case Processing Time | Additional Statewide Measures |
|---|--|---|--|---|
| Foreclosure* and All Other Civil General Cases | <u>Case Time Start:</u> Filing of Case. | <u>Statewide Goals (FY2015 – FY2021):[▲]</u> Foreclosures: 98% within 730 days, 24 months | | <u>Filing to Service or Answer, whichever comes first:</u> CY2001: 49 days♦ CY2002: 44 days♦ CY2003: 33 days♦ |
| | <u>Case Time Stop:</u> Disposition, dismissal, or judgment. | All Other Civil General: 98% within 548 days, 18 months | Foreclosures: FY2015: 334 days FY2016: 319 days FY2017: 321 days FY2018: 291 days FY2019: 299 days FY2020: 302 days FY2021: 429 day | FY2005: 45 days FY2006: 42 days FY2007: 40 days FY2008: 41 days FY2009: 52 days FY2010: 43 days† |
| | <u>Case Time Suspension Events:</u> Bankruptcy, non-binding arbitration, interlocutory appeal, body attachment, military leave, mistrial, stay for receivership, and foreclosure mediation. | <u>Montgomery County:</u> Foreclosures: FY2015: 98% FY2016: 96% FY2017: 96% FY2018: 95% FY2019: 94% FY2020: 94% FY2021: 89% | All Other Civil General: FY2015: 188 days FY2016: 185 days FY2017: 185 days FY2018: 184 days FY2019: 184 days FY2020: 192 days FY2021: 226 days | FY2011: 30 days♦ FY2012: 33 days♦ FY2013: 31 days FY2014: 29 days FY2015: 35 days FY2016: 36 days FY2017: 35 days FY2018: 37 days FY2019: 39 days FY2020: 35 days FY2021: 55 days |

* Foreclosure cases include the cases with the following case types: Deed of Trust, Mortgage, Foreclosure, Petition to Foreclosure, and Condo Lien. Rights of Redemption cases are not considered foreclosures for the Maryland Judiciary’s caseload assessment purposes and are instead included in the ‘all other civil general’ case category.

† FY2010 – FY2021 figures were calculated using all civil terminations whereas CY2001-FY2009 figures were calculated using a random sample of the civil termination population.

▲ In FY2016, the Maryland Judicial Council approved implementation of separate time standards for foreclosure and all other civil general cases. For comparison purposes, the Court applied these new time standards to FY2015 civil case terminations.

♦ In CY2001, CY2002, CY2003, FY2011, and FY2012, the Maryland Judiciary requested that courts exclude foreclosures from their civil case processing performance analysis.

Foreclosure and All Other Civil General Case Processing Performance

In FY21, Montgomery County Circuit Court processed 3,886 civil cases, including 350 (9%) foreclosure cases and 3,536 (91%) other civil general cases. Between FY20 and FY21, the Court's civil caseload declined by 14% from 4,508 to 3,886. The decline in civil case processing was driven by a 61% reduction in foreclosure terminations from 895 to 350 and, to a much lesser extent, a 2% reduction in other civil general cases. In FY16, the Maryland Judicial Council implemented two case time standards for civil cases, one for foreclosure cases and the other for the remaining civil cases ('other civil general' cases). Foreclosure cases are subject to a two-year (24-month, 730 day) case time standard with a goal of 98% closing within-standard. All other civil general cases have a 548 day (18-month) time standard with a goal of 98% closing within-standard.

Table A.1 provides the number of original terminations and the average case time (ACT) by termination status for foreclosure and all other civil general cases for FY15 through FY21. Of the 350 foreclosure cases terminated in FY21, 89% closed within the 2-year time standard. The court also processed 3,536 other civil general cases of which 3,349 (95%) closed within 18 months from filing, failing to meet the statewide 98% performance goal for the first time. The overall ACT for foreclosure cases in FY21 is 429 days, over 100 days longer than FY20 (302 days). The within-standard ACT also increased by the same magnitude whereas that of over-standard declined by 254 days. The overall ACT for all other civil general terminations in FY21 is 226 days, 34 days longer than that of FY20 (192 days). The over-standard ACT for FY21 declined by 51 days, the within-standard increased by 20 days to 200 days.

Table A.1 Number of Foreclosure and All Other Civil General Case Terminations and Processing Performance, FY15-FY21

| Case Sub Type (Time Standard) | Fiscal Year | Total Terminations | | Within-Standard Terminations | | | Over-Standard Terminations | | |
|---|-------------|--------------------|------------|------------------------------|------------------------------|------------|----------------------------|------------|------------|
| | | N | ACT* | N | % | ACT* | N | % | ACT* |
| Foreclosure (24 Months, 730 days) | FY15 | 2,562 | 334 | 2,514 | 98% | 323 | 48 | 2% | 915 |
| | FY16 | 2,238 | 319 | 2,159 | 96% | 299 | 79 | 4% | 884 |
| | FY17 | 1,749 | 321 | 1,680 | 96% | 296 | 69 | 4% | 939 |
| | FY18 | 1,269 | 291 | 1,207 | 95% | 259 | 62 | 5% | 917 |
| | FY19 | 1,187 | 299 | 1,113 | 94% | 250 | 74 | 6% | 1,037 |
| | FY20 | 895 | 302 | 843 | 94% | 247 | 52 | 6% | 1,181 |
| | FY21 | 350 | 429 | 311 | 89% (95%)[†] | 367 | 39 | 11% | 927 |
| All Other General Civil (18 Months, 548 days) | FY15 | 3,544 | 187 | 3,468 | 98% | 175 | 76 | 2% | 779 |
| | FY16 | 3,618 | 185 | 3,541 | 98% | 174 | 77 | 2% | 687 |
| | FY17 | 3,549 | 185 | 3,473 | 98% | 173 | 76 | 2% | 733 |
| | FY18 | 3,632 | 184 | 3,547 | 98% | 172 | 85 | 2% | 684 |
| | FY19 | 3,825 | 184 | 3,757 | 98% | 174 | 68 | 2% | 753 |
| | FY20 | 3,613 | 192 | 3,537 | 98% | 180 | 76 | 2% | 752 |
| | FY21 | 3,536 | 226 | 3,349 | 95% | 200 | 187 | 5% | 701 |

* ACT = Average Case Time (in days)

[†] An adjusted foreclosure case processing performance takes into consideration of the suspension of foreclosure case processing since March 18, 2020 per the Court of Appeals Administrative Order. Specifically, in a case where an exemption to the moratorium was granted, the days from March 18, 2020 to the date of filing of the moratorium are subtracted from the case's adjusted case age to determine termination status.

Between FY19 and FY20, the number of foreclosure case terminations and that of over-standard terminations declined by 25% and 30%, respectively, largely because of the moratorium placed on proceedings of foreclosures of residential properties and the rights of redemption of tax sales of residential properties pending in the circuit courts.⁵ Between FY20 and FY21, the over-standard foreclosure terminations continued to decline by the same rate (25%); however, since the overall and within-standard terminations declined by a much larger rate (61% and 63% respectively), the case processing performance declined.

All Other Civil General Case Terminations by DCM Track⁶

Montgomery County Circuit Court's Civil Differentiated Case Management (DCM) plan has the following nine tracks.⁷

- Track N:** Administratively tracked/non-litigation.
- Track 0:** District Court appeals, Injunctions, Mechanic's Liens, Restraining Orders, Administrative Appeals, Mandamus Cases, Declaratory Relief, Forfeiture (money or vehicles), Landlord and Tenant Jury Demands and Appeals, and Sale in Lieu of Partition (excluding divorce)
- Track 2:** Expedited - 1/2 to 1 day trial estimate
- Track 3:** Routine - 1 to 2 day trial estimate
- Track 4:** Complex - 4 or more days of trial estimate or intensive motions.
- Track 5:** B&T Expedited - immediate service
- Track 6:** B&T Standard
- Track 7:** Advanced Science and Technology Adjudication Resource (ASTAR) Expedited - immediate service
- Track 8:** ASTAR Standard

Table A.3 shows the number of case terminations, the percentage of all other civil cases closed within the 548-day time standard, and the average case time by termination status and DCM track. The cases assigned to Business and Technology (B&T, Tracks 5 and 6) tracks and cases assigned to Advanced Science and Technology Adjudication Resource (ASTAR, Tracks 7 and 8) tracks are combined, respectively, because of the small number of cases in each track category. Cases assigned to Tracks N, 0, 2, and 3 represent over 97% of civil general terminations. While the processing performance of cases in those tracks has been generally high, the performance of cases in some tracks declined slightly in FY21. In FY20, terminations of cases assigned to Tracks N, 0 and 2 either met or exceeded the statewide performance goal of 98% within the 548-day termination. In FY21, the performance of Tracks 0 and 2 declined to 97% and 96%, respectively, thus failing to meet the statewide goal. Track 3 performance, which reached 97% in FY20, declined to 90% in FY21. The declined performance in those tracks largely contributed to the observed decline in the overall of performance from 98% in FY20 to 95% in FY21.

The remaining three percent of terminations (71 terminations, 101 in FY20) were cases in Track 4 (54, 98 in FY20) and B&T Tracks (17 terminations, 13 in FY20). Because of the complexity of the

⁵ [COVID-19 UPDATE: Foreclosure and eviction cases will not move through the courts amid COVID-19 | Maryland Courts \(state.md.us\)](https://www.courts.state.md.us/newsroom/2020/04/2020-04-16-foreclosure-and-eviction-cases-will-not-move-through-the-courts-amid-covid-19)

⁶ Table A.3 focuses on civil general case performance by DCM track because all FY21 foreclosure case terminations are assigned to Track N.

⁷ For additional information about the DCM plans including detailed descriptions of the DCM tracks, please visit the Court's website at <https://montgomerycountymd.gov/cct/departments/dcm.html>.

cases in these tracks, their performance has been substantially lower; however, in FY21, their performance further declined. Specifically, between FY20 and FY21 the performance of Track 4 terminations declined from 87% (86% in FY19) to 80%, and from 77% (79% in FY19) to 53% in B&T Tracks, respectively.

Table A.3 All Other Civil General Case Processing Performance by Termination Status and DCM Track, FY21

| DCM Track | Overall Terminations | | | Within-Standard Terminations | | | | Over-Standard Terminations | | | |
|----------------------|----------------------|------------|------|------------------------------|------------|-----------|------|----------------------------|------------|-----------|------|
| | N | % of Total | ACT* | N | % of Track | % of WST* | ACT* | N | % of Track | % of OST* | ACT* |
| Track N | 656 | 19% | 40 | 651 | 99% | 19% | 34 | 5 | 3% | 1% | 724 |
| Track 0 | 411 | 12% | 196 | 398 | 97% | 12% | 180 | 13 | 7% | 3% | 671 |
| Track 2 | 1,439 | 41% | 260 | 1,387 | 96% | 41% | 242 | 52 | 28% | 4% | 738 |
| Track 3 | 959 | 27% | 303 | 861 | 90% | 26% | 260 | 98 | 52% | 10% | 679 |
| Track 4 | 54 | 2% | 391 | 43 | 80% | 1% | 315 | 11 | 6% | 20% | 686 |
| Tracks 5 & 6 (B&T) | 17 | <1% | 456 | 9 | 53% | <1% | 154 | 8 | 4% | 47% | 795 |
| Tracks 7 & 8 (ASTAR) | 0 | 0% | -- | 0 | 0% | 0% | -- | 0 | 0% | 0% | -- |
| Total | 3,536 | 100% | 226 | 3,349 | 95% | 100% | 200 | 187 | 100% | 5% | 701 |

Note: DCM Track determination is as of the date of data extraction.

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations

Foreclosure and All Other Civil General Case Terminations by Postponements⁸

Of the 3,886 foreclosure and other civil general cases that were originally terminated during FY21, 32% (1,228 cases) had at least one hearing or trial postponement, compared to 18% in FY20 (a 48% increase). While 93% of the terminated cases with one or more postponements closed within their respective time standards in FY20, in FY21, 87% resulted in within-standard terminations. Of the remaining 68% of the 3,886 cases closed without postponements, 97% terminated within the respective time standard.⁹

The postponement analysis will primarily focus on other civil general cases because 98% of foreclosure cases closed with no postponements. Only 2% of foreclosure case terminations had at least one postponement in FY21 (n=8) similar to FY20, and only 63% (5 of 8) closed within the 730-day time standard (56% in FY20).

Among other civil general cases (see Table A.4), while the overall number of cases slightly decreased from 3,613 in FY20 to 3,536 in FY21 (77 cases or 2.1 percent decline), the number of cases with at least one hearing or trial postponement increased by 50% from 830 to 1,220.

⁸ The FY21 civil general postponement analysis includes both hearing and trial postponements. The capturing of hearing and trial postponements only occurs for cases with postponement reasons. The court began collecting postponement reasons for hearing postponements on July 1, 2013. Any postponed hearings prior to July 1, 2013 will not be reflected in the data.

⁹ Of 2,658 case terminations without postponements, 67 terminations, including 36 foreclosure and 31 other civil general case terminations, were over-standard (68 in FY20). Possible reasons for over-standard terminations for cases without postponements include multiple deferral of case dismissal pursuant to MD Rule 14-207 in foreclosure cases, deferral of case dismissal due to MD Rule 2-507 after case inactivity, and multiple services/alternative services followed by default, as well as COVID-related court actions, including the suspension of foreclosure proceedings and removal of court events without postponing them due to court closure.

Table A.4 All Other Civil General Case Terminations by Postponement Status, DCM Track and Termination Status, FY21

| DCM Track | Total Terminations | Overall Terminations | | | Within-Standard Terminations | | | Over-Standard Terminations | | |
|---|--------------------|----------------------|------------------|------------|------------------------------|------------|------------|----------------------------|------------|------------|
| | | N | % of Total Track | ACT* | N | % of Track | ACT* | N | % of Track | ACT* |
| Terminations With Trial and Hearing Postponements | | | | | | | | | | |
| Track N | 656 | 8 | 1% | 261 | 8 | 100% | 261 | 0 | 0% | -- |
| Track 0 | 411 | 84 | 20% | 295 | 80 | 95% | 278 | 4 | 5% | 693 |
| Track 2 | 1,439 | 698 | 49% | 353 | 653 | 94% | 329 | 45 | 6% | 678 |
| Track 3 | 959 | 375 | 39% | 446 | 287 | 77% | 375 | 88 | 23% | 686 |
| Track 4 | 54 | 45 | 83% | 431 | 34 | 76% | 348 | 11 | 24% | 0 |
| Tracks 5 & 6 | 17 | 10 | 59% | 682 | 2 | 20% | 230 | 8 | 80% | 795 |
| Tracks 7 & 8 | 0 | 0 | 0% | -- | 0 | 0% | -- | 0 | 0% | -- |
| Total | 3,536 | 1,220 | 35% | 382 | 1,064 | 87% | 338 | 156 | 13% | 687 |
| Terminations Without Trial and Hearing Postponements | | | | | | | | | | |
| Track N | 656 | 648 | 99% | 37 | 643 | 99% | 32 | 5 | 1% | 724 |
| Track 0 | 411 | 327 | 80% | 171 | 318 | 97% | 156 | 9 | 3% | 1,028 |
| Track 2 | 1,439 | 741 | 51% | 173 | 734 | 99% | 165 | 7 | 1% | 689 |
| Track 3 | 959 | 584 | 61% | 211 | 574 | 98% | 202 | 10 | 2% | 0 |
| Track 4 | 54 | 9 | 17% | 189 | 9 | 100% | 189 | 0 | 0% | 0 |
| Tracks 5 & 6 | 17 | 7 | 41% | 132 | 7 | 100% | 132 | 0 | 0% | -- |
| Tracks 7 & 8 | 0 | 0 | 0% | -- | 0 | 0% | -- | 0 | 0% | -- |
| Total | 3,536 | 2,316 | 65% | 144 | 2,285 | 99% | 136 | 31 | 1% | 772 |

* ACT = Average case time, in days.

Correspondingly, in FY21 35% of cases had at least one postponement, compared to 23% in FY20. In FY20, 93% of cases with postponement(s) still closed within the 548-day time standard; in FY21, however, the performance declined to 87%. In the past, Track 2 cases, even with postponements, met the 98% performance goal; however, the performance declined to 96% in FY20 and to 94% in FY21. The largest performance decline was observed in Track 3 where case processing performance declined from 94% in FY20 to 77% in FY21, slightly higher than that of Track 4 (76%), which also declined from 85% in FY20.

The Court granted 2,518 postponements to the 1,220 postponed other general civil cases, averaging 2.1 postponements per case (2.0 in FY20). The number of postponements granted increased by 63% (869 postponements) from 1,649 in FY20 to 2,517 in FY21. In addition, the composition of postponement reasons in FY21 suggests the uniqueness of the fiscal year. The most frequently reported postponement reason in FY21 was “Weather/Court Emergency/Administrative Court Closure”, accounting for 40% (995 postponements) of the overall postponements and 44% of the postponements associated with over-standard terminations. In FY20, this reason only accounted for 8% of all postponements and 1% of those associated with over-standard cases.

Other frequently-reported postponement reasons include: “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (669 postponements, 27% of all of postponements (44% in FY20) and 26% over-standard postponements (45% in FY20)), “Party(s) Did Not Receive Notice of Court Date” (471 postponements, 19% of all postponements (11% in FY20) and 6% of over-standard cases (7% in FY20)), and “Calendar Conflict” (145 postponements, 6% all of postponements (18% in FY20) and 6% of over-standard postponements (26% in FY20)). These three reasons in addition to “Weather/Court Emergency/Administrative Court Closure” (combined) account for 91% of postponements and 88% of postponement reasons associated with over-standard terminations.

Criminal Case Processing Performance

This section provides the fiscal year 2021 (FY21) cases processing performance for criminal cases of Montgomery County Circuit Court (‘the Court’), including analyses of the performance by DCM track and by hearing and trial postponements. The table below displays the Court’s historical case processing performance and additional metrics.

B. Criminal Case Processing Definitions and Summary

| Case Time Definitions | Percentage Within-Standard and Average Case Processing Time | Additional Statewide Measures | |
|--|---|---|--|
| <u>Case Time Start:</u> | Percent Within 6-month (180 days) Standard (State-Set Goal: 98%) CY2001: 96% FY2012: 96% CY2002: 91% FY2013: 95% CY2003: 90% FY2014: 94% FY2005: 90% FY2015: 94% FY2006: 90% FY2016: 92% FY2007: 89% FY2017: 89% FY2008: 86%* FY2018: 89% FY2009: 96% FY2019: 91% FY2010: 95% FY2020: 92% FY2011: 96% FY2021: 67% | <u>Arrest/Service to Filing^{‡§}:</u> | <u>Verdict to Sentence[‡]:</u> |
| First appearance of defendant or an entry of appearance by counsel | | CY2001: 121 days CY2002: 138 days CY2003: 124 days FY2005: 125 days FY2006: 121 days FY2007: 112 days FY2008: 116 days* FY2009: 104 days FY2010: 117 days FY2011: 117 days FY2012: 132 days FY2013: 110 days FY2014: 144 days FY2015: 137 days FY2016: 120 days FY2017: 129 days FY2018: 94 days FY2019: 81 days FY2020: 80 days FY2021: 83 days | CY2001: 24 days CY2002: 46 days CY2003: 51 days FY2005: 108 days FY2006: 88 days FY2007: 97 days FY2008: 75 days* FY2009: 99 days FY2010: 18 days FY2011: 18 days FY2012: 19 days FY2013: 22 days FY2014: 21 days FY2015: 23 days FY2016: 19 days FY2017: 18 days FY2018: 24 days FY2019: 29 days FY2020: 37 days FY2021: 26 days |
| <u>Case Time Stop[†]:</u> | <u>Average Case Processing Time:</u> CY2001: N/A FY2012: 66 days CY2002: 89 days FY2013: 73 days CY2003: 89 days FY2014: 70 days FY2005: 86 days FY2015: 75 days FY2006: 84 days FY2016: 81 days FY2007: 92 days FY2017: 93 days FY2008: 94 days* FY2018: 100 days FY2009: 77 days FY2019: 91 days FY2010: 80 days FY2020: 91 days FY2011: 62 days FY2021: 164 days | <u>Filing to First Appearance[‡]:</u> | |
| CY2001 – FY2008: Disposition (PBJ, Stet, NP, NG, Sentencing, NCR finding) FY2009 – FY2019: Disposition (Plea or Verdict, Stet, Nolle Prosequi, Reverse Waiver Granted, NCR Finding) | | CY2001: 12 days CY2002: 18 days CY2003: 15 days FY2005: 19 days FY2006: 18 days FY2007: 15 days FY2008: 17 days* FY2009: 13 days FY2010: 12 days FY2011: 18 days | FY2012: 14 days FY2013: 17 days FY2014: 17 days FY2015: 18 days FY2016: 17 days FY2017: 17 days FY2018: 16 days FY2019: 13 days FY2020: 10 days FY2021: 27 days |
| <u>Case Time Suspension Events:</u> | | | |
| <ul style="list-style-type: none"> • Failure to Appear/Bench Warrant • Mistrial • NCR Evaluation • Competency Evaluation • Petition for Reverse Waiver • Interlocutory Appeal • Military Leave • Pre-Trial Sentencing Treatment • Psychological Evaluation • Problem-Solving Court Diversion • Postponement due to DNA/Forensic Testing | | | |

* FY08 results are based on a random sample of 505 case terminations.

† Due to the change in the criminal case time standard in FY09, the case time was measured from the first appearance to verdict for the FY09-FY21 assessments, whereas it was measured from the first appearance to sentencing for the CY01-FY08 assessments.

‡ Additional statewide measures for CY01-FY09 were calculated based on random samples of the case population, whereas the FY10-FY21 figures were calculated using all valid observations.

§ Note that the ‘Arrest to Filing’ measure may not accurately reflect the time from arrest to case filing since the original arrest date is overwritten with the date in the case management system when a defendant is rearrested after the case was filed, resulting in a negative ‘Arrest to Filing’ time. Excluding those observations with negative ‘Arrest to Filing’ days in the calculation resulted in an average of 155 days in FY14 (113 cases removed), 150 days in FY15 (127 removed), 133 days in FY16 (125 removed), 137 days in FY17 (97 removed), 104 days in FY18 (136 removed), 90 days in FY19 (128 removed), 87 days in FY20 (103 removed), and 90 days in FY21 (67 removed), respectively.

Overall Criminal Case Terminations

During FY21, Montgomery County Circuit Court processed 1,074 criminal cases potentially eligible for the caseload assessment, 257 fewer than FY20 (1,331 terminations). Since FY19, the Court's criminal case terminations declined by 44%, continuing the declining trend since FY15 (2,252 terminations). The current analysis is based on 1,061 cases that met the Judiciary's caseload assessment criteria.¹⁰ Table B.1 presents the Court's criminal case processing performance since FY09 when the statewide criminal time standard was changed to measure the criminal case processing time from the first appearance of the defendant to verdict. FY19 is the first reporting year with fewer than 2,000 terminations since FY05. In FY21, due to the limited court operations caused by COVID-19, the number of criminal case termination further declined to 1,061, 50% of the FY16 level (2,124 terminations).

Table B.1 Number of Criminal Case Terminations and Processing Performance, FY09-FY21

| Fiscal Year | Terminations | | Within-Standard Terminations | | | Over-Standard Terminations | | |
|-------------|--------------|------------|------------------------------|-------------------|-----------|----------------------------|------------|------------|
| | N | ACT* | N | % | ACT | N | % | ACT |
| 2009 | 2,478 | 77 | 2,372 | 96% | 68 | 106 | 4% | 270 |
| 2010 | 2,607 | 80 | 2,486 | 95% | 71 | 121 | 5% | 263 |
| 2011 | 2,701 | 62 | 2,603 | 96% | 53 | 98 | 4% | 284 |
| 2012 | 2,183 | 66 | 2,089 | 96% | 56 | 94 | 4% | 278 |
| 2013 | 2,083 | 73 | 1,970 | 95% | 62 | 113 | 5% | 271 |
| 2014 | 2,094 | 70 | 1,973 | 94% | 58 | 121 | 6% | 267 |
| 2015 | 2,242 | 75 | 2,116 | 94% | 63 | 126 | 6% | 272 |
| 2016 | 2,124 | 81 | 1,962 | 92% | 64 | 162 | 8% | 286 |
| 2017 | 2,107 | 93 | 1,877 | 89% | 69 | 230 | 11% | 290 |
| 2018 | 2,058 | 100 | 1,825 | 89% | 75 | 233 | 11% | 291 |
| 2019 | 1,892 | 92 | 1,717 | 91% | 70 | 175 | 9% | 302 |
| 2020 | 1,304 | 91 | 1,196 | 92% | 73 | 108 | 8% | 292 |
| 2021 | 1,061 | 164 | 712 | 67% (91%)† | 84 | 349 | 33% | 328 |

* ACT = average case time (in days).

† An adjusted case processing performance takes into consideration the suspensions of jury trials that occurred during FY21 per the Court of Appeals Administrative Order. Specifically, in criminal cases except for District Court appeals when a new Hicks date was set following the cancellation of a scheduled jury trial due to the suspension of jury trials, the new Hicks date was used to determine the case's termination status. If the case closed prior to the date, the closure was considered as within-in standard termination.

As the table's shaded columns indicate, the Court's criminal case processing performance measured in terms of the percentage of cases closed within the 180-day time standard exhibits a general decline from 95-96% between FY09 and FY13 to 94% in FY14 and FY15, to 92% in FY16 and to 89% in FY17 and FY18. While the performance improved to 91% in FY19 and to 92% in FY20, in FY21, during two thirds of which jury trials were suspended, the performance declined to 67%. Between FY20 and FY21, the average case times (ACTs) declined for all cases (from 91 to 164 days), those closed within the 180-day time standard (from 73 to 84 days), and those closed over-standard (from 292 to 328 days). The suspension of jury trials during FY20 forced the Court to reset the Hicks date, in addition to modifying its business process on pleas to accommodate parties to resolve cases expeditiously without a trial. If we use the adjusted Hicks date to determine whether criminal case

¹⁰ Of the 13 cases excluded from the analysis, 11 cases were removed due to the lack of valid start date (case dismissed due to defendant failing to appear at a scheduling hearing). Another two cases were removed because of they have been expunged per Maryland case time standard case selection criteria.

terminations closed within or over-standard, then at least 91% of FY21 terminations (966 cases) closed within-standard.¹¹

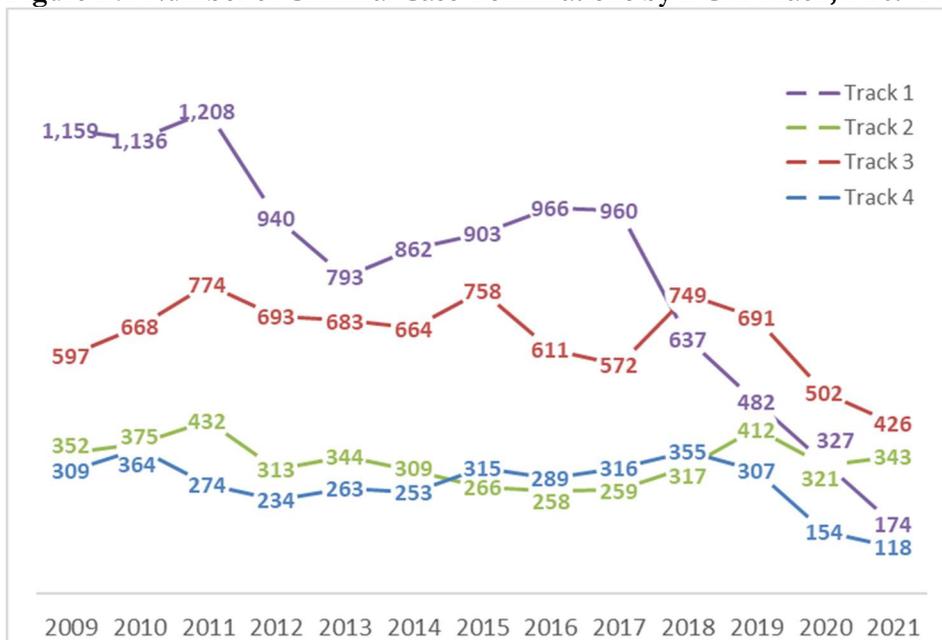
Case Terminations by DCM Track

The Montgomery County Circuit Court’s Criminal Differentiated Case Management (DCM) plan has the following four tracks for criminal cases.¹²

- Track 1: District Court jury demands and appeals
- Track 2: Indictments and Informations, defendant locally incarcerated
- Track 3: Indictments and Informations, defendant on bond/writ status
- Track 4: Complex Indictments and Informations

As noted in the FY19 report and shown on Figure B.1, the composition of case terminations by DCM Track substantially shifted between FY17 and FY18 when the number of Track 1 terminations declined by 34% and that of Track 3 increased 31%, surpassing Track 1 terminations. The number of Track 1 terminations further declined by 24% in FY19 and that of Track 3 declined also by 8%. In FY20, while terminations declined in all tracks, since the decline of Track 1 terminations was greater than that of Track 2, their termination counts became virtually same (327 (Track 1) vs. 321 (Track2), each accounting for 25% of the overall FY20 terminations. The decline of Track 1 case terminations continued at the same magnitude in FY21 while Track 2 terminations slightly increased, resulting in Track 2 terminations being nearly twice as high as the number of Track 1.

Figure B.1 Number of Criminal Case Terminations by DCM Track, FY09-FY21



¹¹ The higher performance based on this alternative approach is likely due to the concentration of cases disposed without trials. Accordingly, we expect that FY22 performance even with this alternative approach to decline, assuming that a higher percent of cases disposed by jury trials are included in the FY22 terminations.

¹² The track descriptions are based on the Criminal DCM plan (July 2003, 2nd edition). The plan was revised in July 2010 with minimal differences in the track descriptions between the two versions.

Table B.3 presents the DCM Track-specific criminal case processing performance, the average case time (ACT), and the percentage of cases closed within-standard for FY21. Track-specific case processing performance reflects the impacts of emergency operations during the pandemic. In the past, Track 1 has generally been the only track with performance having met or exceeded the statewide 180-day performance goal, followed by Tracks 2 and 3. Since case terminations in these three tracks account for close to 90% of the overall terminations, their performance determines the overall criminal case processing performance.

In FY21, while the performance declined across all tracks, the decline of Track 1 performance is the largest – a 35 percentage point decline to 64% from over 99% in FY20. As a result, the performance of Track 1 was lower than that of Track 2 (73%) or Track 3 (68%). In FY20, Track 4 was the only track with overall case time over 100 days; in FY21, the average case time was over 100 days across all tracks largely due to emergency operations.

Table B.3 Criminal Case Processing Performance by DCM Track and Termination Status, FY21

| | Total Terminations | | | Within-Standard Terminations | | | | Over-Standard Terminations | | | |
|----------------|--------------------|------------|------|------------------------------|-----------|------------|-----|----------------------------|-----------|------------|-----|
| | N | % of Total | ACT* | N | % of WST* | % of Track | ACT | N | % of OST* | % of Track | ACT |
| FY21 | | | | | | | | | | | |
| Track 1 | 174 | 16% | 144 | 112 | 16% | 64% | 62 | 62 | 18% | 36% | 292 |
| Track 2 | 343 | 32% | 150 | 251 | 35% | 73% | 92 | 92 | 26% | 27% | 308 |
| Track 3 | 426 | 40% | 169 | 288 | 40% | 68% | 79 | 138 | 40% | 32% | 357 |
| Track 4 | 118 | 11% | 215 | 61 | 9% | 52% | 109 | 57 | 16% | 48% | 329 |
| Total | 1,061 | 100% | 164 | 712 | 100% | 67% | 84 | 349 | 100% | 33% | 328 |

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Case Processing Performance by Case Sub-type

Table B.4 presents the case processing performance by case sub-type for FY21. Comparison of the composition of the terminations by case sub-type reveals that the decline in Track 1 terminations was largely due to the reduced bindover appeal terminations, which declined by 57% from 254 in FY20 to 109 in FY21. The performance of bindover appeals, in addition to that of DC VOP appeals, declined from over 99% in FY20 to 60% or less, equivalent to that of Indictments, in FY21. Since these two types of cases do not involve jury trials, their declined performance may be considered as the direct result of the COVID-related curtailment and limited court operations, rather than suspensions of jury trials. The performance of information (83%) and bindover-jury (74%) cases, which is substantially higher than that of DC appeal (57%) cases, is the result of the higher concentration of cases terminated without jury trials.

Table B.4 Criminal Case Processing Performance by Case Sub-Type and Termination Status, FY21

| Case Sub-type | Total Terminations | | | Within-Standard Terminations | | | | Over-Standard Terminations | | |
|-----------------|--------------------|------------|------|------------------------------|-----------|-----|------------|----------------------------|------------|-----|
| | N | % | ACT* | N | % | ACT | % WST* | N | % | ACT |
| FY21 | | | | | | | | | | |
| Indictment | 593 | 56% | 199 | 357 | 50% | 105 | 60% | 236 | 68% | 341 |
| Information | 294 | 28% | 105 | 243 | 34% | 62 | 83% | 51 | 15% | 309 |
| Bindover-Jury | 58 | 5% | 133 | 43 | 6% | 51 | 74% | 15 | 4% | 369 |
| Bindover-Appeal | 109 | 10% | 151 | 65 | 9% | 70 | 60% | 44 | 13% | 269 |
| DC VOP Appeal | 7 | 1% | 132 | 4 | 1% | 54 | 57% | 3 | 1% | 235 |
| Total | 1,061 | 100% | 164 | 712 | 100% | 84 | 8% | 349 | 100% | 328 |

*ACT: Average Case Time, in days; WST: within-standard

Table B.5 provides the case processing performance of information and indictment cases by DCM Track for FY16-21. Between FY16 and FY19, the case processing performance of Track 2 information cases declined from 100% to 96% whereas that of Track 3 and Track 4 improved from 93% to 98% and from 74% to 81%, respectively. In FY20, the performance declined across all tracks. This decline continued. Much larger declines were experienced across all tracks in FY21 ranging from six percentage points in Track 2 (FY20: 95%; FY21: 89%) to 22 percentage points in Track 4 (FY20: 62%; FY21: 40%). It is likely the decline is related to limited court operations caused by COVID-19.

Table B.5 Criminal Case Processing Performance by Case Sub-Type and DCM Track, FY16-FY21

| | FY16 | FY17 | FY18 | FY19 (Terminations) | FY20 (Terminations) | FY21 (Terminations) |
|---------------------|------|------|------|------------------------|------------------------|------------------------|
| Information: | | | | | | |
| Track 2 | 100% | 94% | 98% | 96% (136) | 95% (108) | 89% (105) |
| Track 3 | 93% | 96% | 94% | 98% (297) | 97% (204) | 80% (184) |
| Track 4 | 74% | 77% | 78% | 81% (27) | 62% (13) | 40% (5) |
| Overall | 94% | 94% | 93% | 96% (460) | 94% (325) | 83% (294) |
| Indictment: | | | | | | |
| Track 2 | 96% | 92% | 92% | 92% (276) | 94% (213) | 66% (238) |
| Track 3 | 89% | 86% | 89% | 93% (394) | 92% (298) | 58% (242) |
| Track 4 | 70% | 59% | 62% | 64% (280) | 62% (141) | 52% (113) |
| Overall | 84% | 78% | 81% | 84% (950) | 86% (652) | 60% (593) |

The case processing performance of indictments, which declined from 93% in FY11 to 78% in FY17 improved to 86% in FY20. In FY21, performance declined to 60% a decline of 26 percentage points. As observed among information cases, the decline in performance was substantial and across the board, ranging from 10-percentage points among Track 4 terminations to 34 percentage points among Track 3 terminations.

Case Terminations by Trial and Hearing Postponements

Table B.6 compares the case processing performance of cases with postponements and those without them by termination status and by DCM Track for FY21. In FY20, 43% of terminated cases (556 of 1,304) had neither a hearing nor a trial postponement and all but one case without a postponement closed within-standard. However, in FY21, even without any postponements, 5% of cases terminations failed to close within the time standard. The average case time of within-standard cases increased from 38 days in FY20 to 68 days in FY21. This 30-day difference may be construed as the direct impact of COVID on the Court's operations.

Among the cases with postponements, 50% closed within the time standard in FY21, compared to 86% in FY20. The decline in the performance is across all tracks, including Track 1. In FY20, over 99% of Track 1 cases terminated within 180 days, exceeding the 98% performance goal whereas in FY21, less than half (49%) closed within the standard.

Table B.6 Criminal Case Processing Performance by Postponement Status and DCM Track, FY21

| DCM Track | Total Terminations | Overall Terminations | | | Within-Standard Terminations | | | Over-Standard Terminations | | |
|---|--------------------|----------------------|------------|------------|------------------------------|------------|------------|----------------------------|------------|------------|
| | | N | % | ACT* | N | % | ACT* | N | % | ACT* |
| Terminations Without Trial and Hearing Postponements | | | | | | | | | | |
| Track 1 | 174 | 64 | 37% | 84 | 58 | 91% | 50 | 6 | 9% | 409 |
| Track 2 | 343 | 141 | 41% | 78 | 138 | 98% | 75 | 3 | 2% | 226 |
| Track 3 | 426 | 180 | 42% | 111 | 173 | 96% | 64 | 7 | 4% | 1,270 |
| Track 4 | 118 | 23 | 19% | 119 | 19 | 83% | 99 | 4 | 17% | 213 |
| Total | 1,061 | 408 | 38% | 96 | 388 | 95% | 68 | 20 | 5% | 644 |
| Terminations With Trial and Hearing Postponements | | | | | | | | | | |
| Track 1 | 174 | 110 | 63% | 179 | 54 | 49% | 76 | 56 | 51% | 279 |
| Track 2 | 343 | 202 | 59% | 200 | 113 | 56% | 113 | 89 | 44% | 311 |
| Track 3 | 426 | 246 | 58% | 212 | 115 | 47% | 102 | 131 | 53% | 308 |
| Track 4 | 118 | 95 | 81% | 239 | 42 | 44% | 114 | 53 | 56% | 338 |
| Total | 1,061 | 653 | 62% | 206 | 324 | 50% | 103 | 329 | 50% | 309 |

*ACT: Average Case Time, in days.

The 653 cases with at least one postponement in FY21 received a total of 1,980 postponements in total, averaging 3.0 postponements per case (2.6 in FY20). The average number of postponements among the cases closed within the time standard are 2.1 (2.2 in FY20), compared to 3.9 among those closed over the standard (5.3 in FY20). Of the 653 cases with postponements, 30% (197 cases) had one postponement (38% in FY20) and 79% (156 cases) closed within the time standard (99% in FY20). Twenty-two percent (175 cases) had two postponements (23% in FY20), of which 82 (58%) closed within the time standard (94% in FY20). Eighteen percent (71 cases) had three postponements (13% in FY20), of which 38% (43 cases) closed within-standard (80% in FY20). In the past, limiting hearing and trial postponements to one guaranteed the 98% performance goal. However, this is no longer true in FY21; in fact, even without any postponements, a case close over-standard as within-standard performance declined among this group of cases from over 99% in FY20 to 95% in FY21.

In terms of postponement reasons reported for FY21, the most frequent reason was “Weather/Court Emergency/Administrative Court Closure”, which accounted for 48% (957 postponements) of the 1,980 overall postponements and 54% (700) of the 1,293 postponements associated with over-standard terminations. In FY20, this reason only accounted for 3% (54 postponements) of all postponements and 1% of those associated with over-standard cases). Other frequently reported postponement reasons include: “Discovery Incomplete and/or Discovery Disputes - Additional Time Needed to Prepare” (345 occurrences (17%), 31% in FY20), “Calendar Conflicts” (159 occurrences (8%), 20% in FY20), “Settlement, Plea or Reconciliation in Progress” (152 occurrences (8%), 13% in FY20), and “New Counsel Sought or Has Entered their Appearance or Not Appointed” (131 occurrences (7%), 11% in FY20). Combined, these top five reasons account for 88% of all postponement reasons and 90% of the postponements associated with over-standard terminations.

Family-Law Case Processing Performance

This section provides the fiscal year 2021 (FY21) processing performance for limited-divorce cases and other family-law cases of Montgomery County Circuit Court (‘the Court’). The analysis also assesses the impact of hearing and trial postponements on the case processing performance and compares the performance by DCM track. The table below provides the Court’s historical case processing performance and associated metrics related to case progress.

C. Family Law Case Processing Definitions and Summary

| Family Law Case Time Definitions | Percentage Within-Standard | Average Case Processing Time | Previous Time Standards and Additional Statewide Measures | |
|---|--|---|---|---|
| <u>Case Time Start:</u> Case Filing | <u>State-Set Goals (FY2014 –FY2018):</u> Limited Divorce: 98% within 24 months | Limited Divorce Cases: FY2014: 235 days FY2015: 326 days FY2016: 319 days FY2017: 319 days FY2018: 315 days FY2019: 299 days FY2020: 339 days FY2021: 379 days | <u>State-Set Goals (FY2010-FY2014)</u> 90% within 12 months 98% within 24 months | <u>Average Case Processing Time:</u> FY2010: 150 days FY2011: 144 days FY2012: 141 days FY2013: 142 days FY2014: 147 days FY2015: 141 days FY2016: 145 days FY2017: 144 days FY2018: 158 days FY2019: 150 days FY2020: 154 days FY2021: 217 days |
| <u>Case Time Stop:</u> Disposition, Dismissal, or Judgment of Absolute or Limited Divorce (divorce cases) | Other Family-Law: 98% within 12 months | Other family-law Cases: FY2014: 146 days FY2015: 134 days FY2016: 139 days FY2017: 138 days FY2018: 153 days FY2019: 144 days FY2020: 147 days FY2021: 210 days | 12-month standard: FY2010: 92% FY2011: 93% FY2012: 94% FY2013: 94% FY2014: 93% FY2015: 94% FY2016: 93% FY2017: 94% FY2018: 93% FY2019: 93% FY2020: 93% FY2021: 81% | <u>Additional Measure - Filing to Service/Answer:</u> FY2010: 36 days FY2011: 49 days FY2012: 48 days FY2013: 48 days FY2014: 48 days FY2015: 32 days FY2016: 41 days FY2017: 40 days FY2018: 48 days FY2019: 46 days FY2020: 34 days FY2021: 45 days |
| <u>Case Time Suspension Events:</u> Bankruptcy stay, Interlocutory appeal, Body attachment, Military leave, Collaborative law, Stay for Receivership, and No service after 90 days from filing (child support cases) | <u>Montgomery County:</u> Limited Divorce Cases: FY2014: 99% FY2015: 99% FY2016: 98% FY2017: 98% FY2018: 98% FY2019: 99% FY2020: 98% FY2021: 94% Other family-law Cases: FY2014: 94% FY2015: 95% FY2016: 94% FY2017: 95% FY2018: 94% FY2019: 94% FY2020: 95% FY2021: 82% | | 24-month standard: FY2010: >99% FY2011: >99% FY2012: >99% FY2013: >99% FY2014: >99% FY2015: >99% FY2016: >99% FY2017: >99% FY2018: >99% FY2019: >99% FY2020: >99% FY2021: 99% | |

†The additional measure was calculated based on a random sample for FY2001 through FY2009. The FY10-FY21 figures were calculated using all valid terminations.

Overall Family Law Case Terminations

In FY21, Montgomery County Circuit Court processed 4,815 original terminations of family-law cases eligible for the caseflow assessment, including 188 limited divorce and 4,627 other family-law cases that met the Maryland Judiciary-defined case selection criteria.¹³ The FY21 termination count is 1,558 cases (24%) fewer than FY21 and is the lowest since FY06 (6,368 terminations).

Since FY14 the Maryland Judiciary has been using two time standards and associated goals for family-law cases: a 24-month standard for limited divorce cases¹⁴ with a 98% performance goal and a 12-month standard for all other family-law cases with a 98% performance goal. Table C.1 provides the number of original case terminations and the average case time for limited divorce cases and other family-law cases by case termination status for FY21. Of the 188 limited divorce cases terminated during FY21, 94% (98% in FY20) closed within the two-year time standard. Of the 4,627 other family-law cases terminated in FY21, 82% (3,804) closed within a year of filing (95% in FY20).

Table C.1 Number of Family-Law Case Terminations and Processing Performance under the New Standards, FY21

| Case Sub Type (Time Standard) | Total Terminations | | Within-Standard Terminations | | | Over-Standard Terminations | | |
|-----------------------------------|--------------------|------------|------------------------------|------------|------------|----------------------------|------------|------------|
| | N | ACT* | N | % | ACT* | N | % | ACT* |
| Limited Divorce Cases (24 Months) | 188 | 379 | 177 | 94% | 349 | 11 | 6% | 856 |
| All other FL Cases (12 Months) | 4,627 | 210 | 3,804 | 82% | 151 | 823 | 12% | 530 |
| Total (12 Months) † | 4,815 | 217 | 3,895 | 81% | 153 | 920 | 19% | 487 |

* ACT = Average Case Time (in days)

† Since the 12-month time standard was applied to 188 foreclosure cases, the numbers of within-standard terminations decreased from 177 to 91, resulting in 3,895 (91 + 3,804) within-standard instead of 3,992 (177 + 3,804) with the overall performance of 81% (3,895/4,815).

To evaluate the Court's overall family case processing performance with that of previous years, analyses combined the limited divorce and other family-law cases and assessed the performance under the old 12-month time standard. In previous fiscal years, the Court's overall family law case processing performance has been consistent, closing 93-94% of cases within the standard since FY11. However, combined limited divorce and other family-law case performance decreased to 81% in FY21 largely due to emergency operations during the pandemic.

Case Terminations by DCM Track

Montgomery County Circuit Court's Family Differentiated Case Management (DCM) plan provides the following six tracks.

Track 0: Uncontested divorce without summons

Track 1: Uncontested divorce with summons

Track 2: Divorce with no physical custody issues and limited discovery

Track 3: Divorce with physical custody issues and/or moderate discovery

¹³ For FY21, three cases were excluded, including two sealed cases and one case that was transferred in.

¹⁴ According to the Maryland Judiciary's time standards, limited divorce cases are identified as such at the time of filing, whereas in the FY14 analysis, the Court identified limited divorce cases at the time of case stop or the time of the limited divorce judgment.

Accordingly, the Court's family law case processing performance between FY14 and FY15-FY17 is not comparable under the new time standards.

Track 4: “Complex” cases involving extensive property holdings, complicated business valuations, significant assets held in various forms, pensions, alimony, and other support issues along with custody, visitation, and divorce¹⁵

No Track (“Track N”): Cases with other issue(s) such as guardianships, uniform support, change of name, paternity, URESA, emergency psychological evaluation, and waiver of court costs

Table C.2 presents the number and distribution of terminations and their case processing performance by DCM Track for limited divorce and other family-law cases. The top portion of the table provides the Track-specific performance of limited divorce cases. The overall case performance for limited divorce cases decreased between FY20 and FY21 from 98% to 94%. Decreases in performance were experienced across all tracks except for Track 0. The composition of case terminations by Track also shifted between FY20 and FY21. There were increases in Tracks 1 (FY20: 30%; FY21: 36%) and 2 (FY20: 30%; FY21: 33%) and a decrease in Track 3 (FY20: 39%; FY21: 30%). Limited divorce case terminations decreased by 16% (37 cases) across all DCM Tracks.

Table C.2 Family Law Case Processing Performance by DCM Track and Termination Status, FY21

| DCM Track | Overall Terminations | | | Within-Standard Terminations | | | | Over-Standard Terminations | | | |
|---|----------------------|------------|------|------------------------------|----------|------------|------|----------------------------|----------|------------|------|
| | N | % of Total | ACT* | N | % of WST | % of Track | ACT* | N | % of OST | % of Track | ACT* |
| Limited Divorce Cases (24 months) | | | | | | | | | | | |
| Track 0 | 2 | 1% | 206 | 2 | 1% | 100% | 206 | 0 | 0% | 0% | 0 |
| Track 1 | 65 | 34% | 227 | 64 | 36% | 98% | 217 | 1 | 9% | 2% | 864 |
| Track 2 | 62 | 33% | 427 | 59 | 33% | 95% | 407 | 3 | 27% | 5% | 835 |
| Track 3 | 60 | 32% | 493 | 53 | 30% | 88% | 444 | 7 | 64% | 12% | 864 |
| Track 4 | 0 | 0% | | 0 | 0% | NA | 0 | 0 | 0% | NA | 0 |
| Track N | 0 | 0% | | 0 | 0% | NA | 0 | 0 | 0% | NA | 0 |
| Total | 189 | 100% | 377 | 178 | 100% | 94% | 347 | 11 | 100% | 6% | 856 |
| All Other family-law Cases (12 months) | | | | | | | | | | | |
| Track 0 | 834 | 18% | 79 | 830 | 22% | > 99% | 78 | 4 | < 1% | < 1% | 390 |
| Track 1 | 1,849 | 40% | 239 | 1,471 | 39% | 80% | 188 | 378 | 46% | 20% | 438 |
| Track 2 | 373 | 8% | 355 | 209 | 5% | 56% | 241 | 164 | 20% | 44% | 501 |
| Track 3 | 286 | 6% | 426 | 110 | 3% | 38% | 264 | 176 | 21% | 62% | 527 |
| Track 4 | 0 | 0% | | 0 | 0% | NA | 0 | 0 | 0% | NA | 0 |
| Track N | 1,285 | 28% | 163 | 1,184 | 31% | 92% | 132 | 101 | 12% | 8% | 530 |
| Total | 4,627 | 100% | 210 | 3,804 | 100% | 82% | 151 | 823 | 100% | 18% | 481 |

* ACT = Average Case Time (in days); WST: within-standard

The bottom half of the table presents the DCM Track-specific case processing performance of other family-law cases. Minimal change between FY20 and FY21 was experienced in performance among Track 0 cases, which are primarily uncontested divorces. These cases were primarily performed remotely during the emergency period allowing continuity of operations. In contrast, more complex cases such as those in Tracks 2 and 3 were more directly impacted by emergency operations experiencing a 20-30 percentage point decline in performance. Other family-law case terminations dropped by 25% (1,520 cases) across all DCM Tracks.

¹⁵ As of January 2016, the Court no longer assigns newly filled cases to Track 4. However, cases meeting certain criteria including case complexity are now processed by the Court’s One-Family-One-Judge (1F1J) procedure without the Track 4 assignment.

Case Terminations by Postponements

Of the 188 limited divorce cases closed in FY21, 53% (99 cases) had at least one postponement compared to 41% (94) in FY20. Of the 99 postponed cases, nine (3 assigned to Track 2; 6 assigned to Track 3) resulted in over-standard terminations. Ninety-one percent of postponed cases terminated within-standard, compared to 96% in FY20. In contrast, 98% of the 89 limited-divorce cases that terminated without postponements closed within the 730-day time standard.

Table C.3 presents the number, percentage and average case time by termination status and DCM Track for other family-law cases with and without postponements. Of the 4,627 terminated cases in FY21, 1,325 cases (29%) had one or more postponements (14% in FY20). Overall, 64% of these postponed cases closed within the 365-day time standard compared to 83% in FY20. Even with postponements, 98% of cases in Track 0 closed within-standard (100% in FY20), compared to 76% of Track N (92% in FY20) and 76% of Track 1 cases (93% in FY20). For Track 2 and 3 cases, the percentage is substantially lower at 36% and 24%, respectively (61% and 51% in FY20).

Table C.3 Other Family-Law Case Terminations by Postponements, Termination Status, and DCM Track, FY21

| DCM Track | Total Terminations | Overall Terminations % of Total | | | Within-Standard Terminations % of | | | Over-Standard Terminations % of | | |
|---|--------------------|------------------------------------|------------|------------|--------------------------------------|------------|------------|------------------------------------|------------|------------|
| | | N | Track | ACT* | N | Track | ACT* | N | Track | ACT* |
| Terminations With Postponements | | | | | | | | | | |
| Track 0 | 834 | 129 | 15% | 150 | 127 | 98% | 146 | 0 | NA | 0 |
| Track 1 | 1,849 | 540 | 29% | 291 | 411 | 76% | 237 | 2 | 2% | 377 |
| Track 2 | 373 | 219 | 59% | 423 | 79 | 36% | 287 | 129 | 24% | 464 |
| Track 3 | 286 | 209 | 73% | 472 | 51 | 24% | 294 | 140 | 64% | 501 |
| Track 4 | 0 | 0 | NA | | 0 | NA | 0 | 158 | 76% | 529 |
| Track N | 1,285 | 228 | 18% | 290 | 174 | 76% | 244 | 0 | NA | 0 |
| Total | 4,627 | 1,325 | 29% | 328 | 842 | 64% | 233 | 54 | 24% | 440 |
| Terminations Without Postponements | | | | | | | | | | |
| Track 0 | 834 | 705 | 85% | 66 | 703 | 100% | 65 | 2 | 0% | 403 |
| Track 1 | 1,849 | 1,309 | 71% | 217 | 1,060 | 81% | 168 | 249 | 19% | 424 |
| Track 2 | 373 | 154 | 41% | 259 | 130 | 84% | 213 | 24 | 16% | 506 |
| Track 3 | 286 | 77 | 27% | 301 | 59 | 77% | 238 | 18 | 23% | 510 |
| Track 4 | 0 | 0 | NA | | 0 | NA | 0 | 0 | NA | 0 |
| Track N | 1,285 | 1,057 | 82% | 136 | 1,010 | 96% | 113 | 47 | 4% | 634 |
| Total | 4,627 | 3,302 | 71% | 163 | 2,962 | 90% | 128 | 340 | 10% | 463 |

* ACT = Average case time, in days.

The bottom half of Table C.3 shows the Court's case processing performance for the remaining 3,302 (71%) other family-law cases terminated without postponements. Overall, 90% of cases without postponements closed within-standard (97% in FY20). While the performance of cases in some tracks remained unchanged or slightly declined between FY20 and FY21, the performance of other tracks noticeably declined. Minimal changes in performance were observed for Tracks 0 (FY20: 98%; FY21: 100%), Track N (FY20: 98%; FY21: 96%) and Track 2 (FY20: 86%; FY21: 84%). In contrast, case processing performance of Track 1 declined from 97% to 76% between FY20 and FY21 and from 83% to 77% for Track 3 during the same period. One of the possible reasons for the observed decline among cases without postponements may be due to the Court's

scheduling practices. That is, during the emergency period, hearings were at times canceled and then set anew as dates became available. Accordingly, these newly posted hearing dates would not be captured as postponements.

In terms of reasons for postponements among other family-law terminations in FY21 (2,767 postponements; 1,295 postponements in FY20), the most frequently cited reason was ‘Weather/Court Emergency/Administrative Court Closure’, which accounted for 68% (1,818 occurrences) of all the postponement reasons and 65% (818 of the 1,256 postponements associated with over-standard terminations).¹⁶ In comparison, that reason was used for 311 (24%) postponements in FY20. Aside from the Court emergency-related postponement, no other postponement reason represents more than 9% of the occurrences.

¹⁶ Postponement reasons are capped at 10 for the Maryland Judiciary’s assessment. There are only two other family-law cases that have more than ten postponements.

Juvenile Delinquency Case Processing Performance

This section provides the fiscal year 2021 (FY21) case processing performance for juvenile delinquency cases of Montgomery County Circuit Court (“the Court”), including analyses of performance by hearing and trial postponements and by DCM track. The table below displays the Court’s historical case processing performance and additional metrics.

D. Juvenile Delinquency Case Processing Definitions and Summary

| | Case Time Definitions | Percent Closed Within Time Standard | Additional Statewide Measures† | |
|-----------------------------|--|---|---|---|
| Juvenile Delinquency | <p><u>Case Time Start:</u> First appearance of respondent or entry of appearance by counsel.</p> <p><u>Case Time Stop:</u> Disposition (jurisdiction waived, dismissal, stet, probation, found delinquent/ found not delinquent, nolle prosequi, change of venue).</p> | <p><u>State-Set Goal:</u> 98% Within Time Standard (3-month (90 day))</p> <p><u>Montgomery County:</u> FY2005: 99% FY2006: 99% FY2007: 98% FY2008: 95%* FY2009: 96% FY2010: 96% FY2011: 97% FY2012: 95% FY2013: 95% FY2014: 92% FY2015: 95% FY2016: 95% FY2017: 96% FY2018: 97% FY2019: 95% FY2020: 93% FY2021: 74%</p> | <p><u>Offense Date to Filing:</u></p> | <p><u>Filing to Case Stop:</u></p> |
| | | | <p>FY2005: 109 days FY2006: 101 days FY2007: 112 days FY2008: 116 days FY2009: 103 days FY2010: 102 days FY2011: 96 days FY2012: 101 days FY2013: 91 days FY2014: 124 days FY2015: 133 days FY2016: 105 days FY2017: 113 days FY2018: 101 days FY2019: 122 days FY2020: 129 days FY2021: 172 days</p> | <p>FY2005: 70 days FY2006: 75 days FY2007: 77 days FY2008: 69 days FY2009: 72 days FY2010: 81 days FY2011: 68 days FY2012: 60 days FY2013: 62 days FY2014: 70 days FY2015: 67 days FY2016: 64 days FY2017: 64 days FY2018: 62 days FY2019: 61 days FY2020: 81 days FY2021: 193 days</p> |
| | | | <p><u>Filing to First Appearance:</u></p> | <p><u>Average Case Processing Time:</u></p> |
| | | | <p>FY2005: 24 days FY2006: 21 days FY2007: 22 days FY2008: 25 days FY2009: 32 days FY2010: 40 days FY2011: 23 days FY2012: 15 days FY2013: 13 days FY2014: 22 days FY2015: 22 days FY2016: 22 days FY2017: 23 days FY2018: 22 days FY2019: 25 days FY2020: 25 days FY2021: 48 days</p> | <p>FY2005: 40 days FY2006: 40 days FY2007: 41 days FY2008: 46 days FY2009: 47 days FY2010: 45 days FY2011: 46 days FY2012: 45 days FY2013: 49 days FY2014: 55 days FY2015: 52 days FY2016: 50 days FY2017: 50 days FY2018: 48 days FY2019: 48 days FY2020: 53 days FY2021: 88 days</p> |

Notes: Juvenile delinquency case time is suspended for a body attachment being issued, mistrial, general psychological evaluation, petition for waiver to adult court, competency evaluation, pre-disposition investigation order, pre-disposition treatment program, interlocutory appeal, postponements due to DNA/forensic evidence unavailable, and military leave.

* FY08 results are based on a sample of 510 juvenile delinquency cases.

† For CY2001-CY2003 and FY2005-FY2009, the additional measures were calculated based on a random sample except for the average case processing time. From FY2010 through FY2021, the additional measures were calculated using the full population of juvenile delinquency case terminations. For the additional measure “Filing to Case Stop” suspension time was subtracted from the raw case time (where appropriate). For the other additional measures, suspension time was not excluded.

Overall Juvenile Delinquency Case Terminations

In FY21, the Montgomery County Circuit Court disposed (or otherwise closed) 291 juvenile delinquency cases, 83 cases fewer than FY20 (a 22% decline). This decrease follows that of previous years, including a 32% decline between FY19 and FY20 (from 503 to 374), a 21% decline between FY18 and FY19 (from 704 to 553) and another 21% decline between FY17 and FY18 (from 894 to 704). Between FY17 and FY21, the number of juvenile delinquency case terminations decreased by 67%.

The Maryland Judiciary’s juvenile delinquency time standard is to reach disposition within 90 days of the first appearance of the respondent or an entry of appearance by respondent’s counsel. The performance goal is that at least 98% of the fiscal year’s delinquency terminations meet the 90-day time standard. In FY20, juvenile delinquency case processing performance was 93%, a two-percentage decline from FY19 and the lowest since FY15 (the second lowest after FY14 (92%)). However, in FY21, the performance substantially declined to 74%.

Table D.1 Number of Juvenile Delinquency Case Terminations and Processing Performance, FY04-FY21

| Fiscal Year | Terminations | | Within-Standard Terminations 3-month (90 days) Standard | | | Over-Standard Terminations 3-month (90 days) Standard | | |
|-------------|--------------|-----------|--|---------------|-----------|--|------------|------------|
| | N | ACT* | N | % of Total | ACT* | N | % of Total | ACT* |
| FY04 | 1,521 | 43 | 1,490 | 98% | 39 | 31 | 2% | 198 |
| FY05 | 1,431 | 40 | 1,416 | 99% | 39 | 15 | 1% | 122 |
| FY06 | 1,651 | 40 | 1,634 | 99% | 39 | 17 | 1% | 143 |
| FY07 | 1,485 | 41 | 1,455 | 98% | 40 | 30 | 2% | 119 |
| FY08** | (510) | 46 | (484) | 95% | 42 | (26) | 5% | 127 |
| FY09 | 1,384 | 47 | 1,324 | 96% | 43 | 60 | 4% | 134 |
| FY10 | 1,316 | 45 | 1,261 | 96% | 42 | 55 | 4% | 113 |
| FY11 | 1,092 | 46 | 1,059 | 97% | 44 | 33 | 3% | 111 |
| FY12 | 1,006 | 45 | 953 | 95% | 42 | 53 | 5% | 115 |
| FY13 | 861 | 49 | 815 | 95% | 45 | 46 | 5% | 125 |
| FY14 | 594 | 55 | 549 | 92% | 49 | 45 | 8% | 128 |
| FY15 | 628 | 52 | 595 | 95% | 47 | 33 | 5% | 148 |
| FY16 | 801 | 50 | 757 | 95% | 45 | 44 | 5% | 134 |
| FY17 | 894 | 50 | 860 | 96% | 47 | 34 | 4% | 131 |
| FY18 | 704 | 48 | 681 | 97% | 45 | 23 | 3% | 120 |
| FY19 | 553 | 48 | 523 | 95% | 44 | 30 | 5% | 116 |
| FY20 | 374 | 53 | 346 | 93% | 47 | 28 | 7% | 133 |
| FY21 | 291 | 88 | 15 | 74% | 53 | 76 | 26% | 189 |
| | | | | (90%)† | | | | |

* ACT = Average Case Time

** The full juvenile delinquency caseload for FY08 is 1,492 cases.

† The court’s juvenile delinquency case processing performance adjusted for the impact of the COVID emergency court operations.

Under this adjustment, all delinquency cases with adjudication pending between March 16, 2020 and July 19, 2020, during which the Court was closed, received an extra 186 days (126 days (March 16-July 19, 2020) plus 60 days) for which to set/process the adjudication, and cases filed between March 16 and July 19, 2020 were granted 126 additional days.

Between FY20 and FY21, the overall average case processing time (ACT) for delinquency terminations increased by 66% to 88 days from 53 days. The ACT for within and over-standard terminations also increased by 6 days (a 13% increase) and 55 days (a 44% increase), respectively.

Case Terminations by DCM Track

The Montgomery County Circuit Court Juvenile Differentiated Case Management (DCM) plan has two separate tracks for delinquency cases based on detention status:

Track 1: Delinquent detention/shelter care

Track 2: Delinquent non-detention

Table D.2 provides the number of delinquency cases closed by termination status (within- and over-standard) and DCM track for FY21. As observed in the past, nearly 80% of juvenile delinquency cases are Track 2 (non-detention) at the time of case termination with the remaining 20% in Track 1 (detention).¹⁷ In FY20 the Court processed 297 Track 2 terminations and 77 Track 1 terminations. In FY21, the number of Track 2 and Track 1 terminations further declined to 257 and 34, respectively.

Table D.2 Juvenile Delinquency Case Terminations by Termination Status and Track, FY20 and FY21

| DCM Track | Overall Terminations | | | Within-Standard Terminations | | | | Over-Standard Terminations | | | |
|-------------|----------------------|------------|------|------------------------------|-----------|------------|------|----------------------------|-----------|------------|------|
| | N | % of Total | ACT* | N | % of WST* | % of Track | ACT* | N | % of OST* | % of Track | ACT* |
| FY20 | | | | | | | | | | | |
| Track 1 | 77 | 21% | 36 | 76 | 22% | 99% | 35 | 1 | 4% | 1% | 114 |
| Track 2 | 297 | 79% | 58 | 270 | 78% | 91% | 50 | 27 | 96% | 9% | 134 |
| Total | 374 | 100% | 53 | 346 | 100% | 93% | 47 | 28 | 100% | 7% | 133 |
| FY21 | | | | | | | | | | | |
| Track 1 | 34 | 12% | 34 | 34 | 16% | 100% | 34 | 0 | 0% | 0% | NA |
| Track 2 | 257 | 88% | 95 | 181 | 84% | 70% | 56 | 76 | 100% | 30% | 189 |
| Total | 291 | 100% | 88 | 215 | 100% | 74% | 53 | 76 | 100% | 26% | 189 |

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

On average, Track 2 cases take more time to process than Track 1 cases. In FY21, all 34 Track 1 cases closed within the time standard. In contrast, Track 2 performance, which has been in decline since FY18 and dropped to 91% in FY20, further declined to 70%.

The decline in Track 2 performance is also reflected in its average case processing time (ACT). The overall ACT of the track increased to 95 days in FY21 from 58 days in FY20. Among Track 2 cases closing within-standard, the ACT increased by 6 days from 50 to 56. Among Track 2 cases closing over-standard, the ACT increased by 55 days from 134 days in FY20 to 189 days in FY21.

Case Terminations by Postponements

Table D.3 provides the number of case terminations by Track and termination status for cases with postponements and those without for FY21. In FY21, over 70% of cases had at least one postponement compared to 51% in FY20. Among postponed cases, within-standard performance, declined from 87% in FY20 to 74% in FY21. In general, cases without postponements are expected to have better performance. In FY21, cases without performance had the same within-standard percentage as those with postponements (74%), which is a noticeable decline from the 98% of cases

¹⁷ Differentiated Case Management Track Assignment does not change post-Adjudication.

with postponements closing within-standard in FY20. Emergency operations instituted due to COVID-19 impacted how quickly hearings were reset. Also, the Court’s scheduling practices that remove hearings without rescheduling them when a date is known (rather than postponing to a specific date) may have resulted in more canceled hearings than postponement hearings.

Table D.3 Juvenile Delinquency Case Terminations by Postponements, Termination Status (Within or Over the 3-month Standard), and Track, FY21

| <u>With Postponements</u> | | | | | | | | | | |
|---------------------------|--------------------|------------------------------------|-------|------|--------------------------------------|------------|------|------------------------------------|-------|------|
| DCM Track | Total Terminations | Overall Terminations % of Total | | | Within-Standard Terminations % of | | | Over-Standard Terminations % of | | |
| | | N | Track | ACT* | N | Track | ACT* | N | Track | ACT* |
| Track 1 | 34 | 16 | 47% | 43 | 16 | 100% | 43 | 0 | 0% | 0 |
| Track 2 | 257 | 190 | 74% | 95 | 136 | 72% | 59 | 54 | 28% | 186 |
| Total | 291 | 206 | 71% | 91 | 152 | 74% | 57 | 54 | 26% | 186 |

| <u>Without Postponements</u> | | | | | | | | | | |
|------------------------------|--------------------|------------------------------------|-------|------|--------------------------------------|------------|------|------------------------------------|-------|------|
| DCM Track | Total Terminations | Overall Terminations % of Total | | | Within-Standard Terminations % of | | | Over-Standard Terminations % of | | |
| | | N | Track | ACT* | N | Track | ACT* | N | Track | ACT* |
| Track 1 | 34 | 18 | 53% | 26 | 18 | 100% | 26 | 0 | 0% | 0 |
| Track 2 | 257 | 67 | 26% | 96 | 45 | 67% | 47 | 22 | 33% | 195 |
| Total | 291 | 85 | 29% | 81 | 63 | 74% | 41 | 22 | 26% | 195 |

* ACT = Average case time, in days.

Note: Percentages do not always add to 100% due to rounding.

As observed in other case types, the primary reason for postponing a case in FY21 is “Weather/Court Emergency/Administrative Court Closure,” accounting for 39% (210) of the 541 postponements and 23% of the postponements associated with over-standard terminations. In FY20, this postponement reasons only accounted for 6% (18 of 289) of the overall postponements. The second most frequently reported reason in FY21 was “Calendar Conflicts” (19% overall; 26% among over-standard cases). This reason, which accounted for 33% overall and 35% among over-standard cases in FY20, has been the most frequently reported postponement reason. Other reasons for postponing cases in FY21 such as “Computer Generated Trial Date Conformed to Counsels' Availability”; “Reports and Evaluations Not Completed/Re-Evaluation Ordered”, “Due to Preliminary Matters”, “Party(s) not Present”, and “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” represented less than 10% of postponements (overall and among over-standard cases).

A Closer Look: Track 2 (Non-Detained) Cases: Time from Adjudication to Disposition

According to Maryland statutes, adjudication for non-detained respondents is to be held within 60 days after the preliminary inquiry (Rule 11-114(b)(1)), and disposition for non-detained respondents is to occur no later than 30 days after the conclusion of the adjudication hearing (Rule 11-115(a)). In the past, one of the reasons for cases resulting in over-standard terminations was that in those cases the Court had spent additional time to reach disposition. This analysis focuses on Track 2 cases with disposition of ‘Found Delinquent’ or ‘Found Not Delinquent’ and compares the average and median time between case start and the adjudication (Time to Adjudication) and the time between the adjudication and disposition (Time to Disposition) by termination status. We conducted the same analysis for FY21 to identify the impact of COVID on those cases.

In FY20, the average time to adjudication among all eligible cases is 50 days (median: 53 days), and the average time to disposition is 13 days (median: 1 day), both within the statutory requirements.¹⁸ As shown in Table D.4, the average time to adjudication among all FY21 eligible cases is 74 days (median: 58 days) and 31 days (median: 3 days) between adjudication and disposition. Compared to FY20, the overall average time to adjudication increased by nearly 50% in FY21. Among over-standard cases, it took on average 111 days to reach adjudication in FY21 compared to 64 days in FY20. Also, the average case time between adjudication and disposition for these cases was further extended by 10 additional days from 69 days in FY20 to 79 days in FY21.

Table D.4 Juvenile Delinquency Track 2 Cases by Termination Status containing a Disposition Finding, FY21

| Termination Status | N | Time to Adjudication (in days) | | Time to Disposition (in days) | |
|--------------------|-----|--------------------------------|-----------|-------------------------------|--------|
| | | Mean | Median | Mean | Median |
| Within-Standard | 108 | 54 | 56 | 6 | 2 |
| Over-Standard | 55 | 111 | 93 | 79 | 49 |
| Total | 163 | 74 | 58 | 31 | 3 |

¹⁸ It is important to note that the analysis did not exclude time associated with extraordinary cause or good cause postponements, which are recognized by the Maryland Rules. However, the current analysis does exclude time associated with case time suspension events defined by Maryland Judiciary.

Child Welfare Case Processing Performance

This section provides the fiscal year 2021 (FY21) case processing performance for child welfare cases of Montgomery County Circuit Court (“the Court”), including Child in Need of Assistance (CINA) cases (shelter and non-shelter) and Termination of Parental Rights (TPR) cases. The section also contains performance analyses by hearing and trial postponements. The table below displays the Court’s historical case processing performance.

E. Child Welfare Case Processing Definitions and Summary

| Case Type | Case Time Definitions | Within-Standard Percentage | | Average Case Processing Time | |
|------------------|-------------------------|---|------------------|------------------------------|------------------|
| CINA Shelter | | <u>Performance Goal:</u> 100% within 30 days | | | |
| | <u>Case Time Start:</u> | | | | |
| | Shelter Care | FY2005: 71% | FY2014: 81% | FY2005: 30 days | FY2014: 27 days |
| | Hearing, CINA | FY2006: 70% | FY2015: 57% | FY2006: 30 days | FY2015: 33 days |
| | Petition Granted | FY2007: 60% | FY2016: 77% | FY2007: 35 days | FY2016: 31 days |
| | | FY2008: 80% | FY2017: 99% | FY2008: 27 days | FY2017: 23 days |
| | | FY2009: 69% | FY2018: 95% | FY2009: 34 days | FY2018: 22 days |
| | <u>Case Time Stop:</u> | FY2010: 80% | FY2019: 97% | FY2010: 26 days | FY2019: 22 days |
| | Adjudication | FY2011: 79% | FY2020: 94% | FY2011: 27 days | FY2020: 25 days |
| | | FY2012: 74% | FY2021: 73% | FY2012: 28 days | FY2021: 39 days |
| | FY2013: 72% | | FY2013: 34 days | | |
| CINA Non-Shelter | | <u>Performance Goal:</u> 100% within 60 days | | | |
| | <u>Case Time Start:</u> | | | | |
| | Service of CINA | FY2005: 97% | FY2014: 89% | FY2005: 34 days | FY2014: 41 days |
| | Petition | FY2006: 76% | FY2015: 100% | FY2006: 52 days | FY2015: 33 days |
| | | FY2007: 88% | FY2016: 92% | FY2007: 44 days | FY2016: 40 days |
| | | FY2008: 90% | FY2017: 100% | FY2008: 43 days | FY2017: 32 days |
| | <u>Case Time Stop:</u> | FY2009: 81% | FY2018: 98% | FY2009: 56 days | FY2018: 33 days |
| | Adjudication | FY2010: 97% | FY2019: 100% | FY2010: 39 days | FY2019: 25 days |
| | | FY2011: 100% | FY2020: 100% | FY2011: 35 days | FY2020: 21 days |
| | | FY2012: 98% | FY2021: 75% | FY2012: 38 days | FY2021: 67 days |
| | FY2013: 66% | | FY2013: 48 days | | |
| TPR | | <u>Performance Goal:</u> 100% within 180 days | | | |
| | <u>Case Time Start:</u> | | | | |
| | TPR Petition | | | | |
| | Filed | FY2005: 60% | FY2014: 100% | FY2005: 179 days | FY2014: 150 days |
| | | FY2006: 56% | FY2015: 100% | FY2006: 169 days | FY2015: 133 days |
| | | FY2007: 42% | FY2016: 100% | FY2007: 208 days | FY2016: 144 days |
| | <u>Case Time Stop:</u> | FY2008: 61% | FY2017: 100% | FY2008: 187 days | FY2017: 139 days |
| | Final Order of | FY2009: 95% | FY2018: 100% | FY2009: 145 days | FY2018: 138 days |
| | Guardianship | FY2010: 82% | FY2019: 95% | FY2010: 150 days | FY2019: 130 days |
| | entered | FY2011: 97% | FY2020: 100% | FY2011: 115 days | FY2020: 117 days |
| | FY2012: 97% | FY2021: 67% | FY2012: 157 days | FY2021: 183 days | |
| | FY2013: 96% | | FY2013: 142 days | | |

Note: CINA shelter and non-shelter case processing time is suspended for military leave and FTA/Body Attachment (beginning in FY11). There is also a suspension associated with a postponement for Good Cause added in FY20. TPR case processing time is suspended for interlocutory appeal and military leave.

Child in Need of Assistance (CINA) Case Processing Performance

The Maryland Judiciary-defined time standard for child in need of assistance (CINA) shelter cases is 30 days from the date when the petition for continued shelter care is granted to the date when the adjudication hearing is started (or when a case reached the qualifying case stop event). The time standard for CINA non-shelter cases is 60 days from service to the adjudication hearing start date. The statewide performance goal for CINA shelter and non-shelter cases is that *all* cases (100%) reach the identified stop event within their respective time standards. In FY21, Montgomery County Circuit Court processed 125 CINA cases (105 shelter and 20 non-shelter cases) eligible for the fiscal year 2021 (FY21) caseload assessment, 18 cases (13%) fewer than FY20 (143 cases).

CINA Shelter Case Processing Performance

Montgomery County Circuit Court's CINA shelter case processing performance reached 99% in FY17, the highest since FY05. However, in FY21 the performance declined substantially to 84%. In FY21, the overall average case time (ACT) increased to 39 days from 25 days in FY20 reaching its highest value since monitoring case processing performance in FY05. The ACT among over-standard cases, which doubled between FY19 and FY20 (from 41 days to 82 days) further increased by 30% in FY21 (107 days). The observed decline in performance particularly between FY20 and FY21 is assumed to be caused by the emergency operations instituted by the Maryland Judiciary due to COVID-19. Additional analyses may be needed to confirm the observation as well as to forecast the FY22 performance.

Table E.1 Number of CINA Shelter Case Terminations and Processing Performance, FY05-FY21

| Fiscal Year | Terminations | | Within-Standard Terminations | | | Over-Standard Terminations | | |
|-------------|--------------|-----------|------------------------------|--|-----------|----------------------------|------------|------------|
| | N | ACT* | N | % of Total | ACT* | N | % of Total | ACT* |
| FY05 | 258 | 30 | 182 | 71% | 20 | 76 | 29% | 55 |
| FY06 | 192 | 30 | 135 | 70% | 19 | 57 | 30% | 57 |
| FY07 | 215 | 35 | 130 | 60% | 19 | 85 | 40% | 60 |
| FY08 | 173 | 27 | 139 | 80% | 21 | 34 | 20% | 52 |
| FY09 | 238 | 34 | 165 | 69% | 23 | 73 | 31% | 58 |
| FY10 | 131 | 26 | 105 | 80% | 21 | 26 | 20% | 47 |
| FY11 | 169 | 27 | 134 | 79% | 21 | 35 | 21% | 49 |
| FY12 | 125 | 28 | 93 | 74% | 20 | 32 | 26% | 51 |
| FY13 | 135 | 34 | 97 | 72% | 22 | 38 | 28% | 64 |
| FY14 | 139 | 27 | 113 | 81% | 22 | 26 | 19% | 49 |
| FY15 | 121 | 33 | 69 | 57% | 21 | 52 | 43% | 48 |
| FY16 | 140 | 31 | 108 | 77% | 21 | 32 | 23% | 64 |
| FY17 | 158 | 23 | 156 | 99% | 22 | 2 | 1% | 73 |
| FY18 | 152 | 22 | 144 | 95% | 21 | 8 | 5% | 50 |
| FY19 | 178 | 22 | 173 | 97% | 21 | 5 | 3% | 41 |
| FY20 | 122 | 25 | 115 | 94% | 22 | 7 | 6% | 82 |
| FY21 | 105 | 39 | 88 | 84% (99%)[†] | 25 | 17 | 16% | 107 |

* ACT = Average Case Time (in days)

† The Court's child welfare case processing performance adjusted for the impact of the COVID-19 emergency court operations. Under this adjustment, all child welfare cases with adjudication (or TPR trial) pending between March 16, 2020 and July 19, 2020, during which the Court was closed, received an extra 186 days (126 days (March 16-July 19, 2020) plus 60 days) for which to set/process the adjudication, and cases filed between March 16 and July 19, 2020 were granted 126 additional days.

CINA Shelter Case Terminations and Postponements

While postponements of adjudicatory hearings have a direct impact on the performance, multiple non-adjudicatory hearing postponements may result in postponing the adjudicatory hearing, thus also impacting case processing. Table E.2 provides CINA case processing performance by postponement status and by termination status for FY21. The analysis of postponements and their impact on the case processing performance includes both hearing and trial (adjudication hearing) postponements. In FY21, over 70% (76 cases) of the 105 cases had at least one postponement (67% in FY20), of which 18% resulted in over-standard terminations (9% in FY20). Even among 30 cases without any postponements, three (10%) resulted in over-standard terminations (0% in FY20). While the within-standard performance of CINA shelter cases with postponement declines from 91% in FY20 to 82% in FY21, the FY21 performance is still markedly better than that of FY15 and FY16 where within-standard performance reached 46% and 63%, respectively.

Table E.2 CINA Shelter Case Terminations by Postponements and Termination Status, FY21

| Postponement Status | Overall Terminations | | | Within-Standard Terminations | | | Over-Standard Terminations | | |
|-----------------------|----------------------|------|------|------------------------------|--------------|------|----------------------------|--------------|------|
| | N | % | ACT* | N | % of Overall | ACT* | N | % of Overall | ACT* |
| FY21 | | | | | | | | | |
| With Postponements | 76 | 72% | 42 | 62 | 82% | 26 | 14 | 18% | 110 |
| Without Postponements | 29 | 28% | 31 | 26 | 90% | 23 | 3 | 10% | 93 |
| Total | 105 | 100% | 39 | 88 | 84% | 25 | 17 | 16% | 107 |

* ACT = Average Case Time (in days)

In FY21, of the 76 postponed cases, 50% (38 cases) had one postponement (70% in FY20), 29% (22 cases) had two postponements (23% in FY20), and 13 cases (17%) had three postponements (6% in FY20). Including three cases with five postponements, these cases had a total of 136 postponements, averaging 1.8 postponements per cases (1.4 in FY20). Thus, compared to FY20, a higher percent of cases was postponed with more postponements in FY21. Of 117 postponements reported in FY21, the most-frequently cited reasons were “System-Generated Initial Trial Date Not Conformed to Counsels’ Availability” (51 postponements, 44%; 57% in FY20), followed by “New Counsel Sought or Has Entered Their Appearance Or Not Appointed” (17 postponements, 17%; 11% in FY20), “Due to Preliminary Matters” (14 postponements, 12%; 0% in FY20), “Weather/Court Emergency/Administrative Court Closure” (10 postponements, 9%; 2% in FY20) and ‘Disc/ADR Incomplete and/or Disc Disputes/Additional Time Needed to Prepare”(10, 9%; 10% in FY20).

CINA Non-Shelter Case Processing Performance

Table E.4 displays the case processing performance for CINA non-shelter cases between FY05 and FY21. The performance has been over 99% since FY15 except for FY16 when it dropped to 92%. In FY20, the Court had 21 CINA non-shelter case terminations, all of which were processed within the Judiciary’s 60-day time standard. In FY21, however, the performance declined to 75% presumably due to COVID-related court closures and limited operations. The average case time also more than doubled to 67 days in FY21 from 29 days in FY20.

Table E.4 Number of CINA Non-Shelter Case Terminations and Processing Performance, FY05-FY21

| Fiscal Year | Terminations | | Within-Standard Terminations | | | Over-Standard Terminations | | |
|-------------|--------------|-----------|------------------------------|---|-----------|----------------------------|------------|------------|
| | N | ACT* | N | % of Total | ACT* | N | % of Total | ACT* |
| FY05 | 61 | 34 | 59 | 97% | 33 | 2 | 3% | 64 |
| FY06 | 51 | 52 | 39 | 76% | 41 | 12 | 24% | 87 |
| FY07 | 48 | 44 | 42 | 88% | 39 | 6 | 13% | 76 |
| FY08 | 73 | 43 | 66 | 90% | 37 | 7 | 10% | 105 |
| FY09 | 64 | 56 | 52 | 81% | 36 | 12 | 19% | 140 |
| FY10 | 62 | 39 | 60 | 97% | 37 | 2 | 3% | 82 |
| FY11 | 40 | 35 | 40 | 100% | 35 | 0 | 0% | -- |
| FY12 | 81 | 38 | 79 | 98% | 38 | 2 | 2% | 64 |
| FY13 | 50 | 48 | 33 | 66% | 31 | 17 | 34% | 80 |
| FY14 | 56 | 41 | 50 | 89% | 36 | 6 | 11% | 79 |
| FY15 | 45 | 33 | 45 | 100% | 33 | 0 | 0% | -- |
| FY16 | 39 | 40 | 36 | 92% | 37 | 3 | 8% | 77 |
| FY17 | 23 | 32 | 23 | 100% | 32 | 0 | 0% | -- |
| FY18 | 45 | 33 | 44 | >99% | 33 | 1 | <1% | 66 |
| FY19 | 30 | 25 | 30 | 100% | 25 | 0 | 0% | -- |
| FY20 | 21 | 29 | 21 | 100% | 29 | 0 | 0% | -- |
| FY21 | 20 | 67 | 15 | 75% (100%)[†] | 44 | 5 | 25% | 136 |

* ACT = Average Case Time (in days)

† The Court's child welfare case processing performance adjusted for the impact of the COVID-19 emergency court operations. Under this adjustment, all child welfare cases with adjudication (or TPR trial) pending between March 16, 2020 and July 19, 2020, during which the Court was closed, received an extra 186 days (126 days (March 16-July 19, 2020) plus 60 days) for which to set/process the adjudication, and cases filed between March 16 and July 19, 2020 were granted 126 additional days.

CINA Non-Shelter Case Terminations by Postponements

In FY21, 18 (90%) of the 20 CINA non-shelter case terminations had at least one postponement with five case closing over-standard (see Table E.2). In contrast, 52% (11 of 21 cases) of the FY20 terminations had at least one postponement and all postponed cases closed within-standard. The ACT of the postponed FY21 cases also more than doubled to 69 days from 31 days in FY20.

Table E.2 CINA Non-Shelter Case Terminations by Postponements and Termination Status (Within or Over the 60-day Standard), FY21

| Postponement Status | Overall Terminations | | | Within-Standard Terminations | | | Over-Standard Terminations | | |
|-----------------------|----------------------|------|------|------------------------------|--------------|------|----------------------------|--------------|------|
| | N | % | ACT* | N | % of Overall | ACT* | N | % of Overall | ACT* |
| With Postponements | 18 | 90% | 69 | 13 | 72% | 44 | 5 | 28% | 136 |
| Without Postponements | 2 | 10% | 49 | 2 | 100% | 49 | 0 | 0% | NA |
| Total | 20 | 100% | 67 | 15 | 75% | 44 | 5 | 25% | 136 |

* ACT = Average Case Time (in days)

The most frequently cited postponement reason in FY21 was “Computer Generated Trial Date Not Conformed to Counsels’ Availability” (19 postponements, 46% of 41 postponements), followed by “Calendar Conflicts” (six postponements, 15%), “Parent/Guardian not Present” (five postponements, 12%), “New Counsel Sought or Has Entered Their Appearance or Not Appointed”

(four postponements, 10%) and “Weather/Court Emergency/Administrative Court Closure” (four postponements, 10%).

Termination of Parental Rights (TPR) Case Processing Performance

In FY21, Montgomery County Circuit Court processed 39 TPR case terminations, 14 more cases (a 56% increase) than FY20 (25 cases). Table E.5 displays the Court's TPR case processing performance between FY05 and FY21. In FY20, the Court disposed all 25 cases within the 180-day time standard, meeting the Judiciary's performance goal of 100%. However, in FY21, 13 of 29 cases failed to close within the standard, resulting in a large reduction in performance from 100% in FY20 to 67%. The overall average case time also increased by 57% to 183 days in FY21 from 117 days in FY20.

Table E.5 Number of TPR Case Terminations and Processing Performance, FY05-FY21

| Fiscal Year | Terminations | | Within-Standard Terminations | | | Over-Standard Terminations | | |
|-------------|--------------|------------|------------------------------|------------|------------|----------------------------|------------|------------|
| | N | ACT* | N | % of Total | ACT* | N | % of Total | ACT* |
| FY05 | 40 | 179 | 24 | 60% | 129 | 16 | 40% | 255 |
| FY06 | 18 | 169 | 10 | 56% | 127 | 8 | 44% | 222 |
| FY07 | 31 | 208 | 13 | 42% | 134 | 18 | 58% | 260 |
| FY08 | 70 | 187 | 43 | 61% | 128 | 27 | 39% | 282 |
| FY09 | 39 | 145 | 37 | 95% | 143 | 2 | 5% | 196 |
| FY10 | 67 | 150 | 55 | 82% | 127 | 12 | 18% | 255 |
| FY11 | 37 | 115 | 36 | 97% | 112 | 1 | 3% | 235 |
| FY12 | 37 | 157 | 36 | 97% | 154 | 1 | 3% | 260 |
| FY13 | 27 | 142 | 26 | 96% | 138 | 1 | 4% | 241 |
| FY14 | 20 | 150 | 20 | 100% | 150 | 0 | 0% | -- |
| FY15 | 27 | 133 | 27 | 100% | 133 | 0 | 0% | -- |
| FY16 | 23 | 144 | 23 | 100% | 144 | 0 | 0% | -- |
| FY17 | 43 | 139 | 43 | 100% | 139 | 0 | 0% | -- |
| FY18 | 32 | 133 | 32 | 100% | 133 | 0 | 0% | -- |
| FY19 | 22 | 135 | 21 | 95% | 130 | 1 | 5% | 239 |
| FY20 | 25 | 117 | 25 | 100% | 117 | 0 | 0% | -- |
| FY21 | 39 | 183 | 26 | 67% | 127 | 13 | 33% | 296 |

* ACT = average case time (in days)

† The Court's child welfare case processing performance adjusted for the impact of the COVID-19 emergency court operations. Under this adjustment, all child welfare cases with adjudication (or TPR trial) pending between March 16, 2020 and July 19, 2020, during which the Court was closed, received an extra 186 days (126 days (March 16-July 19, 2020) plus 60 days) for which to set/process the adjudication, and cases filed between March 16 and July 19, 2020 were granted 126 additional days.

TPR Case Terminations by Postponements

In FY21 (see Table E.6), fifty percent of TPR cases had at least one postponement (8 cases, 32% in FY20) and half of those closed over-standard (0% in FY20). In addition, of the 25 cases closed without postponements, six (24%) also closed over the time standard. The average case processing time ('ACT') for postponed TPR cases increased by 60 days from 157 days in FY20 to 217 days in FY21. The 14 postponed cases in FY21 had a total of 30 postponements (4 cases had 1 postponement; 5 cases had 2 postponements; 4 cases had 3 postponements; and 1 case had 4 postponements).

Table E.6 TPR Case Terminations by Postponements and Termination Status (Within or Over the 180-day Standard), FY21

| Postponement Status | Overall Terminations | | | Within-Standard Terminations | | | Over-Standard Terminations | | |
|-----------------------|----------------------|------|------|------------------------------|--------------|------|----------------------------|--------------|------|
| | N | % | ACT* | N | % of Overall | ACT* | N | % of Overall | ACT* |
| With Postponements | 14 | 36% | 217 | 7 | 50% | 165 | 7 | 50% | 269 |
| Without Postponements | 25 | 64% | 164 | 19 | 76% | 113 | 6 | 24% | 327 |
| Total | 39 | 100% | 183 | 26 | 67% | 127 | 13 | 33% | 296 |

* ACT = Average Case Time (in days)

The most frequently cited postponement reason is “DISC/ADR Incomplete and/or Disc Disputes/Additional Time Needed to Prepare” (8 postponements, 27% of 30 postponements), followed by “Illness, Medical Emergency or Death” (6 postponements, 20%), “Settlement, Plea Or Reconciliation In Progress” (5 postponements, 17%), and “Computer Generated Trial Date Conformed To Counsels' Availability” (5 postponements, 17%).

Recommendations for Montgomery County Circuit Court

- *Information Sharing:* FY21 case processing performance results will be shared with court personnel. While local reports of case processing performance were not required pursuant to the Court of Appeals Administrative Order¹⁹, the Court continues to review its performance and determine what (if any) adjustments in business processes are needed to potentially address any performance inefficiencies without impacting the quality of justice administered.
- *Local Case Management Needs Assessment:* Through coordination with the Administrative Judge, the Clerk of the Court, and Court Administrator, determine if a local court needs assessment is worthwhile to examine current case management practices. It has been nearly two decades since the Court instituted Differentiated Case Management (DCM) Plans. With a new case management system and some new business practices in place, it may be useful to perform a needs assessment to ensure that the Court maintains, if not excel, in its case management efforts especially given unanticipated delays due to the pandemic and implementation of MDEC.
 - The assessment may include interviews with and/or a survey of court personnel (Differentiated Case Manager, Case Management personnel, Assignment Office, Technical Services) including select Magistrates and Judges to identify what is working and what could be improved with case management.
 - This project may include a needs assessment of the types of case management metrics that would be informative to the various user groups/customers of case management information. We may also want to explore what tools exist and/or are needed in Odyssey and through supplemental applications to support the goals and needs of the Court's case management efforts. It will also be useful to coordinate and obtain insight from other researchers statewide and the AOC's Research & Analysis team to inform the local project.
- *Data Access, Analytics and Repository Development:* To enhance understanding of the Court's case processing performance and the identification of factors impacting performance, explore how best to create a case management data/metrics repository, as well as to develop useful performance metrics. The repository should include open as well as closed cases, and data elements related to hearings and trials held.
 - Based on analyses of case management metrics determine if there are business process changes and/or strategies to employ to address pending cases. The emergency period as increased the Court's pending caseload.²⁰ While filings have not returned to pre-pandemic levels, terminations have not been able to offset/reduce the increasing pending caseload. It may be useful to discuss potential approaches to addressing the pending caseloads, which may include leveraging ideas/approaches that the Court used to address the foreclosure crisis.
 - Conduct a detailed analysis of pending caseload in terms of case characteristics and age distribution in light of the current filings trend to project the Court's FY22 case processing performance and identify strategies to potentially address any backlog issues.
- *Statewide Research/ Case Performance Discussions:* In advance of the FY22 case assessment report, have dialog with researchers statewide about their approach to measuring performance. How

¹⁹ [*First Amended Administrative Order on Case Time Standards and Related Reports for Fiscal Years 2020 and 2021 in Light of the COVID-19 Emergency*](#), February 2, 2021.

²⁰ In preparation for and implement of Maryland Electronic Courts (MDEC), court dockets were closed two to three months prior to the October 21st implementation date, which may have impacted the size of the pending caseload. The first week post-implementation the dockets were at a 25% capacity, week two was at 50% capacity, week 3 was at 75% and by week 4 the Court was running at 100% capacity.

will FY22 compare to previous years (e.g., should FY19-FY21 be omitted?) when sharing the FY22 report to the AOC. Discuss how courts measured case processing performance during FY20 and FY21 and what considerations, if any, were made to exclude periods of administrative closure and associated limited court operations.